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# ABSTRACT OF THESIS

Name of Candidate ..... Andrew G Coyle  
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Title of Thesis ..... The Organisational Development of the Scottish Prison Service with  
Particular Reference to the Role and Influence of the Prison Officer

This thesis argues that the Prison Service, while it has several unique features, is a bureaucratic structure with a typical mix of organisational strengths and weaknesses. The study of the development of the organisation of the Scottish Prison Service is, therefore, as possible and as proper as is the study of any large organisation. The first substantive chapter of the thesis analyses the historical development of the Scottish Prison Service within an organisational context. This has taken place in 3 main phases, the first two of which were sequential, the third less obviously so and more the result of the increasing involvement of central bureaucratic processes. Historically the Scottish prison system has been properly located within the criminal justice process and throughout the first 100 years of its modern existence the judiciary and the legal establishment played a central role in its development. The first phase of its history covers the years between 1835 and 1877 when it was taken progressively under central control. Particular attention is paid to William Brebner, the founding father of the Scottish prison system, and to the place of the General Prison at Perth. The second historical phase covers the tenure of office of the Scottish Prison Commission between 1877 and 1929. The significance of the Elgin Report of 1900, which has not previously been the subject of research, is described. The third phase of development which began in 1929 and continues today has attempted to take the prison system out of the criminal justice process and to place it inappropriately within the mainstream of the administrative Civil Service. The thesis analyses the reasons for this and suggests that this structural change, rather than any lack of resources, is responsible for many of the present difficulties facing the Prison Service. The second substantive chapter of the thesis examines the place of the prison system within the sociology of organisations. By definition, an organisation can have only one primary goal. A feature of bureaucratic organisations is that those who work within them will not be satisfied with a single objective and are likely to develop secondary goals. One consequence of the location of the prison system within the mainstream of the civil service has been an emphasis on the secondary goals of imprisonment, principally that of rehabilitation, to the neglect of the primary goal which is the punishment involved in the deprivation of liberty for the length of time laid down by the court. A second consequence is the influence which staff are able to exert on the development of the service. The manner in which the trade unionism of prison staff has evolved in Scotland makes this area particularly worthy of study; an important and topical example is the control of difficult prisoners. The Thesis suggests that the management of the Scottish Prison Service is more participative in style than either the Official or the Staff Side recognise. Throughout the thesis many of the arguments presented are given support by responses to a questionnaire which was issued to serving members of staff and which is fully documented into appendices.



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THE ORGANISATIONAL DEVELOPMENT  
OF THE  
SCOTTISH PRISON SERVICE  
WITH  
PARTICULAR REFERENCE  
TO  
THE ROLE AND INFLUENCE OF  
THE PRISON OFFICER

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Thesis for the degree of PhD submitted to the University of  
Edinburgh 1986

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## 1. INTRODUCTION

I suspect that some of the reasons why the problems of the prisons, for example, continue undiminished in spite of the awesome number of written words expended on them is that very few people write from first-hand experience, apart from occasional forays into the institutions in search of data of a particular kind. (Brody, 1983, p ii)

Regardless of the truth or otherwise of this assertion, writing about the organisation of the prison system from first-hand experience does present certain difficulties. One writes from a basis of knowledge; or does one? I am mindful of Carter's statement (1972, p 277) that very few of the assumptions or beliefs held about the penal system can be defended by hard data or evidence. The practitioner who strays into the world of the academic is likely to find himself very quickly attempting to balance on a delicate tightrope. As an academic he may have to accept the strong likelihood that his findings will be unacceptable to policy-makers as a basis for action. As a practitioner he is a participant in the bureaucratic power-structure and may have to abdicate the privilege of a distanced exploration of policy-possibilities. Merton (1957, p 217) expressed the dilemma in the slogan, "He who innovates is not heard; he who is heard does not innovate".

Administrators in any large organisation are quite likely to be suspicious of research, if for no other reason than the fact that it may well challenge, or at least question, the status quo. This is particularly true in the closed world of prison administration where there may be fear of embarrassment at a possible disclosure of administrative deficiency (Ohlin, 1956, p 51). In the course of describing his research in Bristol Prison Emery (1970, p xv) expresses the initial difficulty which he faced,

Cooperation between social scientists and prison officials is plagued from the beginning by the common assumption that the former are, as a profession, antagonistic to prison officials and what they stand for.

This was not a problem which I faced; I had already established my credentials in the prison world. The difficulty which I had to be

aware of was that of separating the practical assumptions on which I based so much of my daily work from the need to maintain an intellectual rigour in my research. The development of the prison systems of the United Kingdom has usually been portrayed as an evolutionary process; a logical development proceeding from the introduction of physical separation of prisoners and the positive use of separation which took place in the 19th century, through the reformative impetus, first with inmates under 21 years of age and later with adults, which spanned the first half of the 20th century, to the period of retrenchment which followed the Report of the Inquiry into Prison Escapes and Security (Mountbatten Report, 1966). The development school of thought, popular among practitioners, views the present period of follow-up to the recommendations made by the Committee of Inquiry into the United Kingdom Prison Services (May Report, 1979) as the opportunity for another step forward, possibly towards the establishment of stronger links between the prison and the community at large. However, this evolutionary perspective, which assumes a rational and continuously developing philosophical foundation for the way in which imprisonment is used in our society, is not borne out by a study of the last 150 years of penal development in Scotland. Instead, depending on the degree of one's optimism, this development can be described at its most fundamental level as consisting of a series of unrelated changes which have been brought about principally as a result of external pressures or at its highest level as a cyclical movement which gives the appearance of continuous development but which in reality involves a regular regurgitation of broadly similar principles.

Two elements have been ever-present in the penal system: the prisoners and the staff. The former have been little changed by their experiences over the last 150 years. One might argue that the latter too have been little affected. Generally speaking little attention has been paid to the position of staff as an integral part of each successive change in the system. In return, staff have been equally dismissive of each system. Historically the view of staff has been both realistic and consistent. Officers have seen their duty as being to carry out the legal requirement of containment and have regarded

everything else as additional. As a result they have been seen as reactionary, not least by their own management, the executive arm of government, as the latter gained in influence. Since the pivotal role of the prison officer tended to be ignored both by his employer and by other interested agencies the support of his peers became increasingly significant. This led to the growth and increased influence of his trade union, the Prison Officers' Association (POA). The prison service as at presently constituted is an arm of the civil service. As such one of the major functions of management is to interpret the various pressures on behalf of political masters and to respond in an appropriate manner. One of the most enduring and influential pressure groups in penal matters is the POA and as a result it is reasonable to suggest that prison management policy is sometimes dictated as a response to staff influence. A recent and important example of management response to this form of staff pressure was the establishment of the May Committee of Inquiry into the United Kingdom Prison Services in 1978. Given this important feature of penal organisational policy one should bear in mind that the POA and its sister association, the Scottish POA, with which I shall be particularly concerned, are first and foremost trades unions. Their primary and proper objective, like any other trade union, is to pursue the best interests of their members; these may often, but will not always, equate with the best interests of the prison service or of the prisoners.

Two of the most quoted texts dealing with prisons as systems are Clemmer's "The Prison Community" (1958) and Sykes' "The Society of Captives" (1971). These books have become classics of their kind but Hawkins (1976, p 83) suggests that the most striking feature of both of these books is that the prison officer emerges merely as "a cipher", "a cog in the disciplinary machine". This absence of comment on staff is not peculiar to these two authors, rather they are typical of the genre. Despite an increasing amount of research into correctional processes over the last 25 or so years little has been written about the prison officer (Duffee, 1974). This is an unfortunate gap on two counts. Firstly, no assessment of a prison system can be complete without some account of the role of staff.

Secondly, on operational grounds no prison system can hope to develop without the cooperation of the prison officer (Thomas, 1978, p 58).

This is not to suggest that the prison staff can be studied in isolation. On the contrary, as McConville (1981, p x) and Thomas (1972, p xiii) discovered, it is impossible to discuss satisfactorily the recruitment, roles and work of staff without paying due attention to the organisation within which they are employed and attempting an analysis of more general aspects of penal policy and administration. To concentrate on staff to the exclusion of other features of the system would be to go to the other extreme of the pendulum which in the earlier literature concentrated on prisoners. It is necessary rather to concentrate on the prison system as an organisation, containing both captors and captives who interact with each other. What I intend in this thesis is to go beyond the interaction which takes place in any particular prison to that which takes place in the organisation as a whole and to describe how the principal actors in this context are not prisoners and staff but prison staff and central administrators. In studying management in this way one can show that it is not necessary to adopt the extremes of scientific management or human relations theory, that there is a middle way which views the concerns of management and of personnel as complementary rather than contradictory.

Maximal production may be achieved through maximum attention to the social situation of personnel, but in such a way that employee norms support task completion. (Duffee, 1975, p 3).

This is not to say that I will be treading an entirely new road. Since the mid-1970s there has been a small but significant number of researchers in this area. Much of the work has been fragmented. It is surprising, for example, how many pieces begin with the assertion that there has been little or no previous work done in this field. It would appear that this is not a new phenomenon in prison research.

One of the main deficiencies of correctional research is that so many projects are conducted as though no research had been done before, as though their researcher were ignorant of previous research. The only contribution of much correctional

research, therefore, is to confirm earlier research findings. (Schnur, 1958, p 383).

Having made that point, one is bound to agree with Dobash (1979, p 6) that there is "an absolute paucity of systematic research" into Scotland's penal system and that because of its size and the nature of its organisation the Scottish prison system lends itself to such research.

In chapter two I describe the development of the Scottish Prison Service within the context of the sociology of organisations. In general terms the Scottish Prison Service has evolved along similar lines to other western prison systems. It has, however, had several unique features and influences, some of which have not been subject to any detailed discussion prior to this thesis. There have been three main developmental phases, the first two of which were sequential, the third less obviously so and more the result of the increasing involvement of central bureaucratic processes. The first phase covers the period from 1835 until 1877. During this period the prison system in Scotland was taken progressively under central control. This was achieved within the parameters of the criminal justice process so that the primary goal was never lost sight of. Within this context secondary goals were developed, often through the Scottish tradition of voluntary involvement. I demonstrate in the course of my analysis that several features which were subsequently adopted in other prison systems had their origin in Scotland. I pay particular attention to the career of William Brebner in Glasgow in the first half of the 19th century. Brebner, whose career has hitherto been neglected by penal historians, arguably deserves to be described as the founding father of the Scottish Prison system. He established a separate system of confinement in Glasgow several years before the Eastern Penitentiary in Philadelphia was built, placed particular importance on what today would be called the "through care" of prisoners and, what is of particular relevance to this thesis, developed a programme of staff training which was used for staff throughout the country.

The second phase of development covers the tenure of office of the Prison Commission for Scotland between 1877 and 1929. During this period the traditions of the earlier phase were developed and although many processes ran parallel with those introduced in England they were not identical. The Scottish Prison Commissioners retained their close links with other elements in the criminal justice process in Scotland and resisted English attempts to influence, for example, the development of Peterhead Convict Prison.

Another example of the parallel but separate development in Scotland is to be found in the Report of the Departmental Committee on Scottish Prisons (1900). This Report came five years after the (English) Report from the Departmental Committee on Prisons (1895). The latter, known as the Gladstone Report after its chairman, is well known to penal historians, many of whom would describe it as a watershed in penal development. The former Report, produced by a Committee of Inquiry chaired by the Earl of Elgin and Kinardine, was of far greater influence in Scotland but has not previously been the subject of research. The Elgin Report is central to an understanding of Scottish prison administration at the turn of the century in a way that the Gladstone Report is not. I examine how the Elgin Committee tackled each of its five terms of reference and how it dealt with the main problem facing the Scottish system, which was an increasing prisoner population as a result of the high number of convictions for petty offences, most of them related to drunkenness.

The third phase in the development of the Scottish Prison Service, which began in 1929 and continues today, represents a new direction rather than a continuation of the first two phases. For the first time in the history of the Scottish prison system a considered and successful move was made to transfer the service out of its precise location within the criminal justice process to a location on the periphery of that process firmly within the mainstream of the civil service. The government, and more precisely the administrative civil service, took over direct responsibility for the running of the prison system and in so doing moved it outside the direct boundary of its proper super-ordinate system, the criminal justice process. I shall



argue that the main reason for this change was a desire by management to ensure that prison staff were seen to be primarily civil servants rather than a "law and order" occupation. It is symptomatic of the anonymous but far-reaching power wielded by the Scottish Office officials without discerning political scrutiny that this alteration was able to be implemented in Scotland without any significant political or public debate. A similar successful change in England, which was delayed by the Second World War, eventually took place in 1963 in the face of powerful opposition both in Parliament and in the press. I argue that this structural change is responsible for many of the present difficulties facing the prison service and that the latter would be much better able to carry out its primary role of secure containment if it were allowed to return to its correct super-ordinate system.

Hogarth (1971, p 30) has pointed out that in any piece of research the fundamental issues are conceptual and theoretical rather than methodological and that a sophisticated methodology cannot cure a badly conceived project. In chapter three I address the concepts and theories which underlie this thesis. I chart the place of the prison service within the sociology of organisations, explaining how it is both possible and proper to undertake a comparative study of the prison system as a bureaucratic organisation. I review the traditional types of bureaucratic organisation, paying particular attention to the concepts of authority and control. In organisational terms the prison service is part of the administrative civil service; this has implications both for the service in general and for staff in particular. The natural home of the prison system is not within the civil service but rather as one element in the criminal justice process.

By definition, an organisation can have only one primary goal. In the case of the prison system, the objective which the criminal justice process requires of it is that it should contain prisoners in conditions of necessary security, that it deprive them of their liberty for a set period. However, one feature of bureaucratic organisations is that those who work within them are unlikely to be satisfied with a single objective. Secondary goals are likely to emerge. This is quite

acceptable as long as the secondary goals are not confused with the primary goal. This is particularly important in cases where the former are not obviously compatible with the latter. In general terms the distinction between primary and secondary goals was recognised in the Scottish prison system until the demise of the Prison Commission for Scotland in 1929. Until that point the prison system had been clearly identified as part of the criminal justice process and the tightly-knit Scottish legal profession, which had close involvement with the prison system, did not allow the latter to lose sight of its primary purpose, secure custody. I shall show later that Scotland had a well-developed tradition of expansion of the secondary goals of imprisonment but never at the expense of the primary goal. This distinction was not so well-maintained in England and after 1929 became somewhat blurred in Scotland. The secondary goal which was given greatest prominence was that of rehabilitation or reformation. The increasing emphasis on this element of imprisonment coincided with the introduction to prisons of what can be described as proto-professional staff, many of whom saw their primary goal as rehabilitation of prisoners. This confusion of goals is not peculiar to the prison system. Many organisations find themselves with stated goals which are different from their real goals. One danger of this dichotomy of objectives is that maintenance of the organisation becomes an end in itself.

The confusion of goals is more of a problem for outsiders and for management. Junior staff, in our case prison officers, tend to retain sight of the primary goal, they know full well that their primary responsibility is secure custody. Because of their closed working conditions and traditionally restricted social environment prison staff have a strong identity. This has contributed to the emergence of staff as an organisation within the organisation and one of the main pressure groups within the system. Management, as part of the main stream civil service, has responded to this pressure in a traditionally bureaucratic manner, occasionally by confrontation but normally by a series of accommodations which have meant that staff have in practice been a major influence on how the prison system has developed.

The conclusion to be drawn from this examination of the prison service as bureaucratic organisation is that the difficulties which it faces at present are largely structural rather than due to any shortage of resources. It is necessary that the service should regain its proper place within the criminal justice process and should reinstate the penal model of imprisonment. Such a model will be humanitarian for its own sake and not cloaked in any rehabilitative jargon. It will allow staff to play a central role and will turn away from the spectre of executive justice which has always hung over the rehabilitative model.

In chapter four the focus is further sharpened to concentrate on the place of the prison officer in the Scottish Prison Service. This is necessary in the light of what has been written in earlier chapters about the central role played by staff in determining how the primary and secondary goals of the service have developed. In any such examination of an occupational group it is important to establish the comparative standing which they accord themselves and which they are accorded by others. Prison staff have always sought to establish a clear point of comparison with the police. The principal method of attempting to establish this comparison was through parity of pay and the case was argued through a succession of Committees of Inquiry and arbitration tribunals. The comparison with the police was made on the basis that both groups had a responsibility to protect society from its criminal element and was in keeping with the prison officer's perception of his primary role which is to deprive offenders of their liberty in accordance with the decision of a court of law.

Staff influence in the Scottish Prison Service has been exercised principally through the vehicle of trade union activity in the Scottish Prison Officers' Association. I shall trace the development of this activity from its beginnings in an attempt at combined union activity between police and prison staff. The fact that management was able to disrupt this combination was to prove a significant factor in the demolition of the argument of prison staff for parity of status with the police. I shall show that the main power in the SPOA, unlike the Prison Officers' Association in England and Wales, has remained at the

national rather than the local level and that this has enabled the union to push for a more participative form of management.

I decided that it would be appropriate to supplement the qualitative analysis in the thesis with quantitative evaluation of the concepts advanced by obtaining information from a survey of serving prison officers. An extensive questionnaire was issued to 960 members of staff and arrangements were made to interpret the expected responses in a scientific manner by use of computer analysis. In the event only 81 (8.4%) of the questionnaires were returned. It was, therefore, statistically impossible to use the responses as originally intended. The exercise was nevertheless relevant to the thesis and I have decided to include a full description of how it was mounted, an analysis of why it did not succeed as intended and a break-down of the responses which were received as appendices to the thesis. The questionnaire covered seven main areas: personal details of the respondent, service history, attitude to work in the prison service, matters affecting conditions of service, opinion of the SPOA, of the prison system and of more general issues related to crime. For information purposes I have included the collated responses to each of the questions. Although the responses are not statistically representative the officers who did respond had clearly given considerable thought to their answers. Such a detailed set of answers from 81 serving officers from several establishments and drawn from each of the uniformed grades in the service does have some value. I have, therefore, made use of many of the responses at appropriate places in the thesis, indicating that they provide circumstantial support for the particular argument which is being advanced.

One last point of clarification is required concerning the scope of the arguments presented in this thesis. The hypothesis advanced is original insofar as it deals not with the prison as an institution, nor with prisoners within a prison, nor even with staff within a prison but rather with the prison system as an example of one among many large bureaucratic organisations. In common with many other organisations it has several unique features, not least of which is the

particular role played by staff. Nonetheless my thesis argues that the prison system has many fundamental features which are similar to those in other large bureaucracies. Some at least of the weaknesses of the prison system are consequences of failings in the organisational structure of the system. In presenting these arguments I make little or no reference to the discussion which is taking place in many quarters today as to the role of punishment as a tool of social control or an expression of power within society. This discussion frequently focuses on the use of imprisonment in particular. It has been described as the "development from penology to the social analysis of penalty" (Garland and Young, 1983, p2). This discussion addresses issues of considerable importance which are much wider than the line of argument which I employ. They have been extensively discussed elsewhere (Foucault, 1977; Scull, 1977; Ignatieff, 1978; Cohen, 1983 and 1985) and are not directly related to this present thesis.

That is not to say that there are no points of contact. I demonstrate in my work that it is not sufficient to concentrate on technique and administration, that political and other external influences are highly relevant to a proper understanding of how the prison system has developed. Furthermore, I demonstrate that prison history has not been a matter of continuing development and evolution, with each successive phase being an improvement on the previous. I would have little argument with the proposition that the justification of the right to punish has shifted from the vengeance of the sovereign to the defence of society (Foucault, 1975) and that the key elements in this change have been a shift from punishment of the body to that of the mind, the development of a state apparatus of punishment, the classification of "delinquents" by an increasing body of professionals, their segregation in special institutions, the most dominant expression of which is the prison (Cohen, 1983). The same author has suggested that there are three principal models of correctional change, each based on a particular ideological position.

The first model presents a conventional picture of all change as a record of progress and sees the main obstacle to advancement being lack of proper resources; what is needed is "more of the same". He

describes the second model as the "we blew it" version. This views the earlier reformatory thrust as a disastrous failure and that rather than attempt to improve prisoners the system should aim to limit damage. The third model, which Cohen describes as the "it's all a con" view, has three further sub-divisions. The first of these in fact sees the prison system as a success. Its hidden but real agenda has been the domination of class interests for the sake of a capitalist economy and in this respect the aim of prison has been achieved (Ignatieff, 1978). The second sub-division is a starker presentation of the same argument: the prison system is a control mechanism which is used to ensure the survival of the ruling capitalist class and its use is directly linked to a specific mode of production (Rusche and Kirchheimer, 1939). The final version refers to the complex relationship between power and knowledge. The offender becomes the "delinquent"; he is separated from the rest of his class and is encouraged to be docile through a system of "dressage" (Foucault, 1975).

The prison system is not capable of simple analysis. Cohen makes a powerful point when he argues the need for a "looser" model of correctional change, not based on any one ideology (1983, p127), for each of them contains an element of truth but none has the prerogative. It could be argued that my approach to the analysis of the prison process allows for such a model and is a conscious attempt to produce a synthesis of the theoretical and the practical.

## 2. THE ORGANISATIONAL DEVELOPMENT OF THE SCOTTISH PRISON SERVICE

### 2.1 The Growth of Central Control: 1835-1877

#### The Position until 1835

The first legislative provision for the erection and maintenance of prisons in Scotland was an Act passed in 1597 entitled "Prison Houses suld be bigged within all Burrowes" (1597, c 277). Previous to the passing of this statute every local jurisdiction, whether of baron, feudal lord or burgh, had its own prison for committing offenders within the jurisdiction. With the passing of the statute of 1597 the burden of erecting and maintaining prisons which would receive offenders from all jurisdictions fell on the burghs. At that time the burghs, which enjoyed many trading privileges, were wealthy. Imprisonment as a direct punishment was virtually unknown. In 1819 a further statute (59 Geo 3, c 61) was passed which enabled but did not oblige counties to give aid to burghs to improve, enlarge or build their gaols.

Graham (1899 p 504) describes Scotland's 18th century gaols as follows:

The receptacle for prisoners in a village was a "thieves' hole," a little hut with damp earth and floor, with hardly a glimmer of light from the tiny opening, through which the snow drifted and the wind swirled in mad career through the room, and out again, under and above the ill-fitting doors, - through a hole in which the wife of the constable, intent on other avocations, thrust the food for the inmates. A small country town had for its residence for prisoners a vile thatched room, perhaps 14 ft long, dark, filthy, and fireless, and in winter perishingly cold, where for months untried prisoners waited till the circuit court opened to hear their case; while for security they were sometimes loaded with chains and fastened to an iron bar or bedstead.

Graham does point out that the "prisoners were few, the terms of imprisonment were short, and if the gaols were miserable hovels they were never crowded". This fact was confirmed by Henry Home Drummond in his evidence to the 1826 Select Committee of the House of Commons on Scottish Prisons:

The instances of imprisonment as a punishment for other offences than theft and assault, are not numerous; and the long periods of imprisonment that take place in England are unknown in Scotland, where the period very rarely exceeds a year. (Report, p 46)

Even allowing for the small number of prisoners and the brevity of sentence, the conclusion of the 1826 Select Committee was clear:

The result of this inquiry has, in the opinion of your Committee, been to show, that with a few exceptions, the state of those prisons is very defective in point of security, accommodation and management; while the funds from which such Prisons ought to be improved are, in most instances, inadequate to that purpose. (Report, p 3)

#### Frederic Hill, Inspector of Prisons

The prisons in Scotland, as Graham pointed out, were in no worse state than those in England. In 1835 legislation was enacted (5 and 6W. 4, c 38) for the appointment of five Inspectors of Prisons in Great Britain. One of these Inspectors was to be given responsibility for Scotland. The first person appointed to this post was Frederic Hill. In his autobiography (Hill, 1893, p 115) he described how he came to be appointed:

In 1835 the Duke of Richmond introduced into Parliament and carried a Bill for the appointment of Inspectors of Prisons. At the suggestion of my friend Mr Charles P Villiers, I applied for one of the nominations. The appointments rested with Lord John Russell, then Home Secretary. My application was supported by many influential friends.... Thus my long-cherished desire to obtain a Government post, with a field of administration, seemed likely to be fulfilled. Well do I remember the arrival of the letter from Lord John Russell informing me that I was appointed an Inspector of Prisons. I was sitting reading in Matthew's Chambers in Chancery Lane, and such was my delight that I skipped about the room for joy, and tradition says, jumped over a chair!

Hill began his first round of inspections in November 1835. He found about 170 prisons throughout Scotland and divided them into five groups. The first was of 70 block-houses, most of which consisted of only one room. The second class included about 80 burgh gaols, most of them holding no more than two or three prisoners. The third group consisted of 12 county prisons.



The fourth group contained the larger prisons, eight in number, and included two at Aberdeen, a gaol and Bridewell at Edinburgh, the Glasgow Gaol, the prisons at Paisley and Jedburgh and the new prison at Dundee. The final class contained only one establishment, the Glasgow Bridewell, which Hill found to be "the largest and much the best Prison in Scotland". The largest total number of prisoners at this time was about 2400 and the average about 1800.

Before he set out Hill had been told by Lord John Russell that the Scotch prisons were in a bad state, "but the picture that gradually unfolded itself before my eyes was far worse than anything I had anticipated" (Hill, 1893, p 120). He found that there was little inmate discipline, that the prisoners spent much of their day in idleness, passing their time with fellow-prisoners, there was little cleanliness and hardly any instruction. In general, however, conditions in the larger prisons were significantly better than those in the smaller establishments.

Although Hill had come to the new Inspectorate with no prior knowledge of prisons he was soon setting out his own views as to how the prison system should develop:

The entire management of the Prisons in Scotland (including the appointment of the officers) and the control of the Prison Fund, to be placed in the hands of Government; a detailed account being presented to Parliament showing how the money has been applied, the average number of prisoners in each Prison, the value of their productive labour, the clear average cost of each prisoner, and a balance for or against every Prison.

(Annual Report of the Inspector 1837, p 21)

### The 1839 Act

The Government of the day was sympathetic to this view and in 1839 it enacted a statute "To improve Prisons and Prison Discipline in Scotland" (2 and 3 Vict., c 42). The central provision of the statute was that

It is expedient, with a view to the Adoption of Efficient Means for the Punishment and Repression of Crime and Reformation of

Criminals, that Provision should be made for the Erection and Maintenance of more secure and convenient Prisons, and for the better Management thereof, and the Establishment of a well-regulated System of Prison Discipline therein, by the Appointment of a Board of Directors of Prisons acting on a uniform System, and invested with Power to erect and maintain proper Prisons, and regulate the Discipline and Management of all Prisons in Scotland, and for raising the necessary Funds by means of a general Assessment on Property within the several Counties and Burghs in manner hereinafter provided. (s I)

The General Board of Directors was to consist of the Lord Justice General, the Lord Justice Clerk, the Lord Advocate, the Solicitor General, the Dean of the Faculty of Advocates, all ex officio, and 14 other persons to be appointed under royal warrant, five of whom were to be Sheriff Deputies. The only salaried member of the Board was to be the Secretary. The Act provided that Prison Boards, consisting of members appointed by the County Commissioners and the Burgh Magistrates, should be set up in each county with responsibility for the daily superintendence and maintenance of all prisons within the county under the direction of the General Board.

This Act received Royal Assent in August 1839 and came into force the following July. The General Board held its first meeting in September 1839. Viscount Melville was appointed Chairman and the Hon John Murray, Advocate was appointed Secretary at an annual salary of £700. These two men, together with Hill, the Inspector of Prisons, who was also appointed a member of the Board, were to be instrumental in establishing the Scottish system of prison discipline in the mid 19th century.

#### William Brebner

It would be quite wrong to suggest that no organised prison regime existed in Scotland before the 1835 Act. Hill came to his post with no prior knowledge of prisons. He soon found that at least one establishment had a well organised regime and his subsequent recommendations were largely based on what he found there. When Hill made his first classification of Scottish Prisons he placed Glasgow Bridewell in a class of its own, describing it as "the largest and much the best Prison in Scotland". He was equally positive in

attributing the credit for this situation to one man, William Brebner. The latter was born in 1783 in Huntly, Aberdeenshire. In 1798 the Glasgow Bridewell moved to a new site in Duke Street. Brebner secured the post of Clerk and Assistant to George Andrew, its first Governor. When Andrew died some 10 years later Brebner succeeded him as Governor, a position which he held until his death in 1845.

The Bridewell in Duke Street contained 115 cells. An additional wing containing 150 cells was opened in December 1824. This accommodation gave Brebner the opportunity to put into practice his theories concerning the separation of prisoners. A contemporary press cutting described the state of the Bridewell in 1799:

From want of sufficient accommodation to meet the swelling population, it not infrequently happened that as many as six, eight and 10 individuals were chained together in the same cell - eight ft by seven ft - ill ventilated and horribly arranged. The old and the young were mixed together - the hardened and the most pliable.

In contrast the 1826 Select Committee was able to report (Appendix 2) that in 1825 in the Glasgow Bridewell "the prisoners are kept separate, and at constant work from six o'clock morning till eight at night".

Much has been written about the respective merits of the so-called Separate and Silent Systems which were introduced into prisons in the mid 19th century. They were frequently referred to both in Europe and in America as the Philadelphia and Auburn Systems respectively, after the prisons in the United States where they were first practised. However, the Inspectors of Prisons who were appointed in 1835 found that a well-developed system of separation which ante-dated the American one, already existed in Glasgow. William Crawford, Inspector for the Home District (of England) was sent to assess the American prison systems and reported,

The Eastern Penitentiary is, in fact, with some trifling difference in its arrangements, but a counterpart of the Bridewell at Glasgow, a prison which was in operation five years before the erection of the prison at Philadelphia.

(Quoted in the Annual Report of the Directors, 1840, p 23)

Frederic Hill was well aware that Brebner had developed his particular system of prison discipline in an original manner and not from the experience of others. In his tenth Annual Report (p xv) he commented,

Before the establishment in America of those prisons which have attracted so much attention, this unassuming but excellent man (Brebner), remarkable alike for the clearness of his intellect and his untiring benevolence, had organised and successfully conducted the system of which, in many respects, theirs was but a repetition....

In 1839 the General Board of Directors also turned to Brebner's example when considering the type of regime to be established in the General Prison at Perth.

The Bridewell of Glasgow, however, has acquired a reputation, not in Scotland alone, but throughout Europe, for its discipline and management, and the beneficial effects produced in its prisoners. For a course of years, antecedent even to the establishment of the celebrated Eastern Penitentiary of Philadelphia, the name of which has been, by continental writers, conferred on the system, the managers of the Glasgow Bridewell have pursued the course which the later experience of other countries, and the opinions of the highest authorities, as well as the confirmed judgement and experience of its own managers, pronounces to be the best. To us, in particular, this gratifying circumstance affords both authority and encouragement, as it tends to show that the system that we find more strongly recommended by reason and authority, and the experience of other countries, is also to be found well adapted to the disposition, habits, and circumstances of prisoners in Scotland.

(Annual Report of the Directors, 1840, p 24)

The basic flaw in the Separate System, as indeed in the Silent System, was that it presumed the possibility of reformation of the individual within the vacuum of a total institution. In this fundamental aspect the system developed by Brebner was distinct from the later Separate System. It is tempting to suggest that not only was his penal philosophy in advance of that of the Gladstone Committee of 1895 but that it was also in advance of the May Committee of 1978. Brebner was in no doubt as to the primary purpose of the prison system: it was to be the servant of the court

in carrying out the legal decision to deprive a citizen of his liberty for a fixed period in punishment for a wrong done.

In 1822 it was decided to extend the Bridewell in Glasgow to enable it to serve the County of Lanark as well as the city so that, according to the Council Minutes of February 1822, "More efficient means could be exercised for the punishment and amelioration of the delinquents". Brebner by that date had been Governor of the Bridewell for several years and would have had some influence in formulating the dual objectives of "punishment and amelioration". Brebner did not view imprisonment as reformatory in itself but he did consider it to be his duty to use the period of imprisonment as positively as possible within the circumstances and certainly to ensure that there was no deterioration during the period of imprisonment. He achieved this first by exercising a basic humanity and kindness towards the prisoners and, according to contemporary reports, by encouraging his staff to do likewise. He then employed each prisoner on relatively productive labour and finally he introduced a system of basic education by teachers who were members of staff.

Brebner made use of the separation of prisoners to introduce a basic classification by sex and age. The original part of the Bridewell was allocated to female prisoners (at that time over one in three prisoners in Scotland were women) and a female staff was appointed. The first Annual Report of the Inspector of Prisons noted that "This is, I believe, the only prison in Scotland where females are attended exclusively by female officers". By 1841, when the gaol and the Bridewell were united into one prison under Brebner's charge, he included among his staff three female teachers, a female porter, six female warders and a female gate-keeper. Juvenile offenders, as they were then known, who in the mid 19th century were sometimes of tender years, were subjected to a different regime by Brebner. The tenth Annual Report of the Inspector commented that Brebner considered the Separate System "unsuitable for juvenile offenders". He made every effort to teach the youngsters a trade and "to train them in tolerably good habits". In his Annual Report for 1836 Hill noted that Brebner

says he has no difficulty in securing situations for prisoners on their leaving the Bridewell, provided he can express a favourable opinion of their conduct, and the improvement that has taken place in them; which he is almost always able conscientiously to do, provided the prisoners be tolerably young when they enter, and provided they remain a sufficient length of time in the first instance. (p 5)

Despite attempting to use custody in this positive manner Brebner had no doubt that, insofar as reformation of the individual was possible, it would be achieved within the wider community rather than within prison. He clearly identified the need for after care and was himself instrumental in having opened in Glasgow a House of Refuge for boys and another for girls. The first report of the Directors of the former establishment, quoted in the Inspector's Annual Report for 1839, contains the following paragraph,

Mr Brebner, Governor of the Glasgow Bridewell (whose name the Directors cannot mention without recording their sense of his ability and benevolence), declared his conviction, founded on experience, that penal confinement for so short a period as that to which young criminals are usually sentenced, however valuable as the commencement of a remedial process, was by itself, as a means of reformation, nearly useless. He had made it known to the public, that the youth upon whom it appeared to have produced the best effects, not only found no opening to earn their bread by honest industry, but were watched on the day of their liberation by the profligate and the criminal, and drawn back, alike by the absence of every virtuous, and the presence of every vicious influence, to the course they had resolved to abandon. (p 117)

Brebner was not so successful in his efforts to establish a House of Refuge for liberated adult offenders. At one point he was so concerned at the lack of provision for poor and destitute in the city that he opened the doors of the prison to "voluntary prisoners". In 1839 he had three such inmates and two years later the Inspector's Report noted that there were "40 persons in the prison of Glasgow who had voluntarily subjected themselves to all the rigours of imprisonment". The General Board of Directors of Prisons could not let this pass and instructed the County Board of Lanark to discontinue the practice since it,

was liable to serious objection, as tending unduly to affect the state of public opinion with respect to imprisonment as a

punishment, to interfere with the proper discipline of the Prison, and to increase without the authority of the law, the expense of its management.

(Annual Report of the Directors, 1843, p 29)

The penal philosophy which Brebner had evolved and had put into practice with the enthusiastic support of the local managers was extensively adopted by those who were appointed by central government to introduce consistent standards into Scottish prisons. Almost every one of the early Annual Reports of the Inspector of Prisons contains fulsome praise both of the Glasgow Bridewell and of William Brebner, to such an extent that other Governors and Keepers must have been heartily sick of having him held up as an example. The first Report in 1836 set the tone which was to be frequently repeated.

Of Mr Brebner's qualifications for the office he holds it is scarcely necessary for me to speak. The remarks I have already made show that I think very highly of him, and in expressing this opinion I am but confirming, as far as in me lies, the judgement of the public at large, which has rightly assigned to him much of the merit belonging to the Glasgow Bridewell. (p 56)

In referring to the abominable conditions in other prisons and the lack of qualification among staff Hill frequently recommended that Brebner should be asked to supply one of the officers he had trained in Glasgow to govern other prisons. Almost all County Boards responded positively to this recommendation. In 1835 Governors trained by Brebner were appointed in Ayr and Lanark, in 1838 in Dumfries, in 1839 in Dundee, in 1840 in Dumbarton, Hamilton, Cupar, Inverness and Kirkcudbright. The Inspector's Report for 1841 noted,

In procuring good keepers and matrons, Mr Brebner, the Governor of the Prison of Glasgow, has again afforded great assistance, both by giving up well trained officers of his own and by training new officers. Mr Brebner's services indeed have now been extended, in one way or another, to almost every County in Scotland. (p 4)

The high standard of Brebner's officers was no coincidence. He was clearly as much interested in the welfare of his staff as in that of the prisoners. In 1838 the Inspector reported,

The Governor, with that enlightened benevolence which marks all his proceedings, has made an arrangement respecting the subordinate officers, (the male officers at least) which deserves to be known and imitated. In order to induce them to carry on their education and to pass their evenings in a rational manner, he has fitted up a comfortable room for them, and engaged a person to give them instruction. The attendance is, of course, optional, and most of them do in fact attend. (p 102)

In his Report of 1841 Hill described how Brebner had set about reducing hours of attendance.

The duties of the warders appear to be too heavy, and the time of their attendance too long to allow relaxation and self-improvement. It is the intention of the Governor, however, so soon as he has a complete corps of efficient officers, to allow each of them a week's holiday once a year, and to arrange so that each warder shall leave on the alternate evenings at six o'clock. The plan indeed has already been acted on to some extent. (p 57)

At that time warders worked between 14 and 15 hours a day. Brebner was able to reduce this to 12 hours a day over six days a week.

In 1841 Walter Deverell, first Governor of the General Prison at Perth, consulted other Governors as to the levels of payment of staff. He reported to the Directors of Prisons,

In the Glasgow Bridewell at present there are five warders receiving 18s a week, with house room, coals, light and washing; which, besides the cash payment, are worth at least, 3s or 4s a week; and Mr Brebner, the Governor, assures me that it would be more advantageous to that establishment were he enabled to secure the continued services and satisfaction of his best officers by raising their salary to 25s a week. (1)

The pay of the warders in Glasgow was slightly above average compared to other prisons. At that time by comparison, policemen in Glasgow were paid between 30s and 20s and those in Perth 10s 6d weekly. In 1838 Brebner's own salary was £300 and by 1843 this had been increased to £525.

With the move towards centralisation of the prison system in Scotland Brebner's knowledge and experience were in great demand. In 1840 the gaol and Bridewell of Glasgow were united into one prison under



his governorship. In line with the Inspector's recommendation the Prison Board for the County appointed Brebner Superintendent of all the Lanarkshire Prisons. The General Prison at Perth opened on 30 March 1842. In July of that year the first Governor was dismissed because of financial irregularities. In their report in 1843 the Directors noted,

Immediately afterwards we confided the interim charge of the General Prison to Mr Brebner, Governor of the Prison of Glasgow, who with the assent of the Prison Board of Lanarkshire, undertook the charge, retaining at the same time the management of the Glasgow Prison.

The selection of a new Governor was the subject of our anxious deliberation... The Office was offered to Mr Brebner, whose eminent qualifications and success as Governor of the Prison of Glasgow are well known; but he declined accepting it. (p 9)

William Brebner remained Governor of Glasgow Prison until his death in 1845, which appropriately enough occurred while on official business. He had been summoned to a meeting with the General Board of Directors in Edinburgh on 6 January 1845 and had just entered the offices of the Board in George Street when he collapsed. He died instantly as the result of a massive heart attack.

Brebner's obituary in the "Glasgow Herald" of 10 January 1845 described his achievements as follows,

Mr Brebner, as Governor of the Glasgow Bridewell, commenced his system of prison discipline and amelioration long before there were any Acts of Parliament to encourage and help him. For a lengthened period of years, the Bridewell here has been regarded as the model prison of the Kingdom and scarcely a work of reform has been commenced in any of the jails of Scotland in which his advice has not been asked, and taken, and in Ireland, also, the benefits of his aid have been readily acknowledged. Among the philanthropists of the United States of America his name is as well known as amongst the people of our own City, and it is admitted that, in that country, the system of which he is the originator has been found the most successful in re-claiming the depraved. But more than this, the details of his plans have been requested by the Institute of France and more than once formed the subject of the approving comment and discussions of the members. And all this while, Mr Brebner, as a private citizen, moved so noiselessly and unobtrusively out and in among us, that, but for the recital of his good deeds, which came from others, not himself, we might

have been unaware that such a man formed a member of our community.

Brebner's professional career began in the period when Scottish prisons were entirely under the control of the local authorities and ended five years into the period when the General Board had taken over direction of the 170 prisons in Scotland, which were administered by County Boards. The members of the General Board and the majority of the County Boards had no experience of prison administration, nor had Frederic Hill, even though the latter was arguably the most influential figure on the Scottish prison scene between 1835 and 1847. For practical advice they turned to Brebner and many of the developments in prisons in the first half of the 19th century, some of which lasted for a considerable time, can be traced directly to Brebner. Thus, from the earliest period of our study the pattern which is the central hypothesis of this work emerged: the major and abiding influence in the development of the Scottish prison system has been either individual members of staff or the staff as a body.

#### Scottish Prison Staff: 1835-1860

The Inspector of Prisons had this to say about staff when he first took up duty,

I have received but few complaints of the treatment of prisoners, and I am satisfied that almost all the Keepers, however unqualified they may be in other respects, are at least of kind disposition. The common error, indeed, has been laxity and unwise indulgence. The Governors and Keepers of several of the Prisons are able, efficient, and trustworthy; but there are many who do not possess the two former qualities, and some few who cannot lay claim to the latter. The remuneration, however, is generally very moderate, and in some of the small Prisons exceedingly low; £3 or £4 a year being no uncommon salary - nay, the allowances sometimes smaller even than this. At Crail, a little Borough in Fife, the gaoler's yearly pittance (it cannot be termed a salary) is only £1! Gaolers, receiving such payments as these cannot, of course, give much time to their official duties; and are not likely to apply with much zeal to the study of the art of discipline, or to the acquirement of the various kinds of knowledge which are desirable even in the Keeper of a small Prison.

(Inspector's Annual Report, 1837, p 9)

The 1826 Select Committee discovered that the gaoler at Linlithgow Prison was blind. In 1838 the Inspector learned that the gaoler at Alloa was also a chimney sweeper, "and judging from his appearance, I should presume that he carries on an extensive business". In that same year the keeper at Stirling was dismissed for bringing alcohol into the prison, presumably to sell to the prisoners. In 1839 the Inspector found it necessary to advise the Lord Provost on the state of the Glasgow Gaol.

It seems to me to be proved, that Garnish is frequently exacted, and that prisoners are often ill-treated who refuse to pay it; that many prisoners are subjected to various kinds of tyranny on the part of their associates, and particularly that prisoners about to give King's evidence are ill-treated; that there is much quarrelling, fighting, swearing, obscene language, and gambling; that prisoners often pawn their clothes and steal from one another; that drinking among the prisoners is sometimes carried to intoxication; and that robberies are planned to be executed after liberation; that some of the servants of the gaol have assisted in conveying articles to the pawn shop; that officers generally are very ignorant of the proceedings that are going on; and are not vigilant in the detection and punishment of offences; and, lastly, that some of the officers occasionally set a bad example themselves.

(Quoted in the Inspector's Annual Report, 1839, p 110)

Hill ended with a recommendation that the Governor should be dismissed. The latter, D McCall, responded vigorously, describing the difficult conditions in the prison, for which he was not responsible, and concluding that "in the circumstances in which I have been placed, as great complaints would have been the result under whatsoever person the government of the gaol should have been placed". This spirited defence led the local board to decide not to dismiss McCall but to appoint Brebner, from the Bridewell, as an inspector and adviser. This was no more than a temporary stay of execution and in 1840 the gaol and the Bridewell were united into one prison under Brebner's command.

From the time of his first appointment Hill had devoted considerable space in his Annual Reports to the condition of the staff. In his report in 1837 he noted,

A Keeper, for instance, may be a good kind of man, and perform the more evident of his duties with diligence and regularity, and yet be very unfit for his office. But how difficult it is to make this apparent to persons whose enquiries have not led them to see how many qualifications ought to be united in the director of a Prison! (p 15)

The 1839 Act which gave the General Board of Directors the power to direct the County Boards in the management of prisons provided Hill with the opportunity to insist on high standards for staff. In May 1840 the General Board requested Hill, one may suspect at his own instigation, to provide them with his views on the appointment of prison officers. This he did in the form of a lengthy letter within five days of receiving the request. He began by pointing out that no matter what was done in planning a prison, in providing funds and in drawing up regulations, the crucial factor was the appointment of suitable staff. Hill pointed out that with the forthcoming need to reappoint all staff in accordance with the 1839 Act there would be an opportunity to make a fresh start and he listed the qualities which he considered necessary.

The Governor of a large prison should be a person of strong native talent, and of great decision of character, yet of kind and affable manner; he should possess a great insight into human character, and into the various causes of crime, and the springs of action; and he should be influenced by a strong desire to promote the permanent welfare of the prisoners committed to his charge. He should be possessed of powers of command, and of holding others to responsibility; and in order to maintain these effectually, it is necessary that he should be able to determine what everyone under his authority can reasonably be expected to perform, and to judge of the manner in which every duty is discharged.

(Quoted in the Annual Report of the Directors, 1841, p 63)

Hill recommended that no one who was over 40 should be appointed an officer and that the salary should be such as to attract people of above average qualifications and character. He went on to describe what was to be expected of female officers, of chaplains and of surgeons. He concluded by recommending that the Governor of the main prison in each district should superintend the smaller prisons. Hill expanded his views on this matter in his annual report for 1840. He drafted a letter which the General Board subsequently approved and which the Chairman, Lord Melville, sent to all County Boards on

13 May 1840 advising them of the importance of appointing efficient governors and keepers to each prison. Hill's principal recommendations were incorporated in the first set of Prison Rules which were approved by the Secretary of State in July 1840.

By the following year the Inspector was able to report that his recommendations were being implemented by many County Boards although he returned to the question of salaries and conditions of service:

I have again to express my regret that the duties of the warders are so heavy, while at the same time their remuneration is so low. The experienced Governor of the Prison of Glasgow has given it as his opinion that the work of a warder is as laborious, hour for hour, as that of an ordinary mechanic; and yet in many prisons the warders are on duty 14 or 15 hours per day, with a share of attendance on the Sunday in addition. With such an amount of confinement, and with wages generally all from 14s to 18s a week it cannot be expected, except in particular cases, that persons of superior character, and possessing the other qualifications required, should offer themselves for the situation; or that those holding it should be able to perform their duty with the cheerfulness and alacrity which ought to distinguish a prison officer; or that they should be able to find time for self improvement and the gratification of the domestic affections. One of the warders of the prison of Edinburgh stated that he seldom saw his children except on Sunday; and that he was obliged to leave home before they were awake in the morning, between five and six o'clock, and that he did not get back till between nine and ten at night, when they were going to bed.

(Inspector's Annual Report, 1841, p 85)

In 1843 the Inspector was able to report that the new officers being appointed "more and more nearly" approached the standards laid down by the General Board. He also noted the beginnings of a tradition which was to have great significance in later years:

In several cases, the appointments have been made by promoting good subordinate officers to be keepers of small prisons. (p 5)

In the same report Hill emphasised another feature which is one of the main themes of this thesis, the crucial role of the prison officer.

The importance of having persons of high moral character for subordinate officers in prisons will be felt when it is borne in

mind that it is they who come most frequently in contact with the prisoners. It is of little avail to have a good Governor and a good Chaplain, unless means be taken to provide good warders also... (p 5)

By the following year Hill was encouraged to note that officers were exerting good influence on prisoners.

In some prisons an unusual degree of good conduct is induced, and the number of punishments kept low, by the personal influence of the officers, and by their care in reasoning with prisoners before resorting to punishment. (p iv)

In his earlier reports Hill had supported Brebner's contention that any reform which was achieved in prison was of little use if there was not continued support for the liberated prisoner. In 1846 he was able to report substantial progress.

Over such prisoners as have not respectable friends to take an interest in them, it is desirable that superintendence more or less perfect, should be kept up for some time after their liberation; and this, I am glad to say, is now done to a greater or lesser extent in many of the prisons in my district, though not as yet so fully and systematically as I could wish, or I hope will gradually become the case. (p xiii)

This supervision was usually carried out by the Governor or the Chaplain but in Perth County Prison another method, which was later to be widely developed in Scotland, was being employed, the use of volunteers.

The services of some young men having been invited to assist the chaplain in his duties on Sundays, six persons kindly volunteered their aid; and they have continued to attend regularly since last July, when the arrangement was first made. They give religious instruction, and assist in bringing about reconciliations between the prisoners and their friends, in finding suitable employment for liberated prisoners, and keeping up a certain amount of superintendence over them. Once each month there is a meeting of these young men (which is attended also by the Chaplain and Governor, and the Sheriff-substitute), at which various matters relating to the prison are talked over.

(Inspector's Annual Report, 1845, p vii)

In 1846 the County Board of Lanark approved the appointment of an officer at Glasgow Prison who was to establish contact with the

friends of prisoners about to be liberated "in order to facilitate their safe return to society".

There were several other examples of the ways in which the role of the warder was being developed beyond that of turnkey. Teacher-warders, for example, were appointed in some prisons in the 1840s. This in turn led to a need for a higher standard of warder and in 1847 the Inspector recommended a substantial increase in salaries in order to attract suitable recruits.

By 1847 the General Board and the Inspector had succeeded in enforcing uniform standards throughout Scotland to such an extent that the former felt confident enough to draw up a set of rules for all prisons which were approved by the Secretary of State (Annual Report, 1846, Appendix xv). These rules laid down requirements and standards for the appointment of a "sufficient number of well-qualified officers" in each prison. The role of the Governor was clearly defined, covering many items which remain extant today: the Governor's Order Book, the role of the Deputy Governor, the daily journal, security requirements, daily inspection. Regimes for prisoners were also clearly defined, covering such items as personal cleanliness, daily exercise, work, education, visits, letters and liberation grants.

In 1848 Frederic Hill was succeeded as Inspector of Prisons, following a three months' tenure by Captain Donatus O'Brien, by Sir John Kincaid. The latter maintained the interest which his predecessor had in staff and in 1854 the General Board adopted his recommendation that prisons should be closed at eight pm instead of nine pm on the following grounds:

That some shortening of then existing Prison hours was absolutely necessary as respects the Prison Warders, who were obliged to leave their homes at half-past five in the morning, and did not return until half-past nine o'clock at night, and who, Sir John anticipated, would be enabled to perform their duty with much more energy, cheerfulness, and efficiency, were the prison hours to be altered to the small extent suggested.

(Annual Report of the Directors, 1854, p 11)

By the late 1850s the organisation of prison staff was more or less complete. By 1855 the General Board instructed the County Boards that no staff should hold any other office.

To put an end to the practice of appointing to the Keepership of small prisons, persons who are Messengers-at-Arms, Sheriffs' Officers, Constables, or any other persons liable to be withdrawn from the Prison at any hour by night or day, and to be absent for indefinite periods.

(Annual Report of the Directors, 1855, p 6)

By 1858 the Directors were able to report that,

The subordinate officers, with few exceptions, have conducted themselves with strict propriety, and they have been zealous in the discharge of their duties.

(Annual Report of the Directors, 1858, p 47)

This was a significant improvement since the first Inspector's comments that many staff were not able, efficient or trustworthy.

#### The General Prison at Perth: 1838-1860

In his first Annual Report in 1836 the Inspector of Prisons noted,

Military Depot at Perth: This is a military prison, erected about four years before the termination of the late war, for the reception of French prisoners. It was intended for the reception of about 7000 men, and about that number were actually there during the last three years of the war. Upon the whole, I am inclined to think that this military prison may be advantageously converted into a prison for criminals. (p 73)

In 1838 he repeated his recommendation that this depot should be converted into a penitentiary capable of holding 500 prisoners.

Hill's suggestion was accepted by the Government and one of the main provisions of the 1839 Act referred to above was the transfer of the lands and buildings of the depot to the new General Board of Directors who were in turn,

Authorised, as soon after the passing of this Act as they shall find convenient, to alter, enlarge, and complete the said



Buildings at Perth, and maintain the same as General Prison for the Custody of Persons convicted of crime whose respective Sentences of Imprisonment shall be for a Period of not less than Six Months, which Prison shall be under the sole and immediate Superintendence and Management of the said General Board. (s.xxvi)

The Act went on to provide that all offenders sentenced to one year or more should in future be transferred to the new General Prison while those sentenced to between six months and one year could be sent there.

The General Board took up office on 11 September 1839. In deciding how they were to develop the 33 years' old military depot which was to become the General Prison the Directors decided to choose between the separate and the silent systems. Not surprisingly they opted for the former which, although known as the Philadelphia system, they appreciated had been in operation in Glasgow Bridewell for several years before the Philadelphia Penitentiary was built.

Their next task was to appoint a Governor for the prison. The Directors duly appointed Walter Ruding Deverell to the post on 25 March 1841. He was given the responsibility for appointing, fixing the salaries and dismissing all staff apart from the chaplain, matron, teachers and surgeon in consultation with the General Board. Deverell made enquiries of the major local prisons and discovered that senior warders in Glasgow were paid 18s a week together with allowances equivalent to 3s or 4s; those in Edinburgh received between 14s and 16s a week although more than half were pensioned soldiers. Similar salaries were paid in Dundee and Aberdeen, while in Perth County Prison the average was 14s. By comparison Glasgow police constables received between 13s and 20s a week while those in Perth were the lowest paid in Scotland at 10s 6d a week. The latter

are generally taken from the humblest class of Common labourers, who possess little indeed of the intelligence, manual skill, and moral energy demanded for Warders in the General Prison. (1)

It was agreed that the wages of the warders in the General Prison should vary between 16s and 21s a week, while the head warder was

to be on a scale extending to 30s a week. The salary of Deverell himself was to be on a scale between £400 and £500 (the latter amount was Brebner's salary at Glasgow). The salaries of the chaplain, surgeon and matron were respectively £250, £150 and £100 yearly. In January 1842 Deverell wrote to the Board concerning the training of his new staff.

An important proposition which I am anxious to make with regard to those whom I intend to constitute my staff of Warders for commencement, is that, the General Board should defray the expense of sending them for a week to the Prison of Dundee, a week to the Prison of Aberdeen, and a month to the North Prison of Glasgow.... (this) is a proceeding which appears to me to be absolutely indispensable in order to furnish my officers with the knowledge of details which is acquirable only by actual experience and observation. At the same time I would observe that I consider the time I have mentioned quite sufficient to enable any intelligent and observant man, and of course no other would be selected, to make himself master of all the essential matters in the routine of Prison duties which throughout the whole year are merely repetitions of what is to be seen in one day. (2)

The Board approved the Governor's request. It is worthy of comment that the length of initial training given to newly recruited prison officers in 1986 remains at the six weeks organised in 1842.

The General Prison duly received its first prisoners on 30 March 1842 but its first major problem occurred only four months later when, on 28 July, the General Board dismissed Deverell from his appointment as Governor. The various available records do not indicate the precise grounds on which he was dismissed. The Annual Report of the General Board for 1843 comments that "He was deficient in (some of the qualifications) which are deemed to be essential" and the Inspector's Report for 1842 makes a similar comment. The only indication that the failing may have been financial is contained in a letter from the General Board to Deverell dated 3 August 1842 which advised him that,

The Finance Committee having considered your accounts for the quarter ended 25 June last have directed various explanations to be obtained from you with regard to them and vouchers to be furnished. (3)

Whatever the reason, on 28 July 1842 the Board dismissed Deverell, the Head Warder and the Clerk.

That the Board was not inclined to show any favour to Deverell in his departure can be deduced from the letter which was sent to him by the Secretary on 27 September 1842.

I observe from an advertisement that a sale of "the whole furniture in the Governor's House" is to take place tomorrow forenoon. As the Board have not granted permission for the sale taking place in the house I have on their behalf to request that the Furniture should be carried out of doors previous to the sale commencing and that the people attending it shall not be permitted to enter the House. This is necessary to prevent damage being done to the Painting, woodwork, etc of the House which were recently put into a perfect state at considerable expense by the Board. I beg to know if you will remove the furniture as I propose. Should tomorrow be wet you may have the use of the old Guard Room in front of the Governor's House in which to conduct the sale. (4)

The problems with the post of Governor continued. It was offered to and refused by Brebner, although he agreed to fill the vacancy on a temporary basis. In October the Board appointed William Rankine, Manager of the Dalkeith and Leith Railways, to the post but for some reason he refused the appointment. Finally, on 6 December 1842 Brebner was able to hand over to the new Governor, James Stuart, formerly Superintendent of Police in Edinburgh. The Board was more fortunate in this choice and Stuart was to remain Governor for a full 20 years until ill-health forced his retiral on 9 December 1862. At the time of the appointment of the new Governor the General Board wrote to advise the Governor, Chaplain and Surgeon that they must co-operate for the good of the Prison. They were at pains to emphasise, however, to the latter two members of staff and also to the Matron that they were subordinate to the Governor in matters relating to the management of the Prison.

The Introductory Prison Rules of 1840 had laid down that prisoners should be given an amount of work each day which could reasonably be expected to keep them occupied for 10 hours. The profit from any work in excess of this was to be placed to the prisoner's credit and paid to him on liberation. In 1843 the Directors decided that this

money could, at the Governor's discretion, be sent out by a prisoner to his family. This was one of the areas of criticism from the English Inspectors which will be dealt with below.

By 1845 there were 219 male and 109 female prisoners in the General Prison. The Governor listed the staff as follows:

The discipline of the prison has been much improved during the year, and the staff of warders in the male department consists of one head warder, one store-warder, one shoemaker trades' warder with one assistant, one weaver trades' warder with two assistants, one tailor trades' warder with one assistant and one mechanic trades' warder; five discipline warders, three sub-warders and one exercising warder with one assistant; one cook-house warder, one water-house warder, one furnace warder, one out-door warder, one outer-gate warder, one inner-gate warder, one outside night warder, and one inside night warder.

The female department consists of one sub-matron, four discipline warders, one laundress, one exercising warder, and one door warder.

(Annual Report of the Directors, 1845, p 69)

Staff came on duty at six am. They immediately distributed tools to the prisoners who, once they had swept their cells and washed, set to work. Breakfast was distributed at 7.30 am, immediately after which the warders took their break. Outside exercise began at 6.15 am in the winter and 8.15 am in the summer. The teachers who taught inmates in their cells, came on duty at eight am, working for eight hours on weekdays, for two hours on Saturdays and five hours on Sundays. Dinner was served at one o'clock and "accomplished in 12 minutes". One-half of the warders finished duty at six pm on alternate evenings. Supper was served to the prisoners at seven pm, at 8.30 pm working tools were removed. At 8.45 pm hammocks were slung, at 8.55 pm lights were put out and cell doors checked. At nine pm the main staff went off duty. Only half of the staff were on duty each Sunday.

In December 1847 the Board agreed to the Inspector's recommendations that one additional male officer should be added to the staff to allow each warder to have 14 days' leave each year, that

temporary reliefs should be provided for sick warders and that similar arrangements should be made for the female staff.

All warders originally had quarters within the outer wall but by 1847 the staff had increased to such an extent that the old South Guard House of the former Depot was converted into staff quarters.

In addition to the wing which was laid aside for lunatics one wing of the General Prison was allocated to juveniles. In January 1850 the first recorded escape from the General Prison took place from the latter wing although the two juveniles involved were recaptured almost immediately. Two warders were temporarily suspended as a result and the Governor was "reprimanded and admonished" by the Chairman of the General Board.

In July 1853 a new wing was completed at the General Prison, giving it accommodation for a total of 670 prisoners. The Governor's report for December 1855 lists the prisoners as follows: 260 males and 283 females, 52 juveniles, 20 imbeciles and eight epileptics together with 32 male and 13 female lunatics. The total staff at this time numbered 65. In July 1856 alterations were made in the arrangements for allocating different classes of prisoners. From that date all male convicts, some of whom had previously been held in the General Prison, were to be transferred to English prisons. All female convicts sentenced in Scotland were to be held in the General Prison as were all females sentenced to more than nine months' imprisonment.

In his Annual Report for 1856 the Inspector reported a change in the regime of separate confinement which allowed three prisoners to work together for two hours a day and to exercise together for at least 90 minutes. During these times they were allowed to "talk on proper subjects".

Putting the inmates to useful work had always been an important feature of the separate regime and in 1855 the Board of Directors appointed a superintendent of stores and manufactures in the General

Prison. The man appointed "had considerable experience as a salesman". His salary was part fixed and part commission of the profit made from prison labour. The Board was as unlucky with this post as it had been with that of Governor initially and the following year the post holder was dismissed. In July 1859 the Board decided to appoint a Steward who would perform the dual "functions both of an ordinary House Steward and Superintendent of Manufactures". The Governor of Dundee Prison was appointed to the post. In the same year a permanent Clerk of Works was appointed at the General Prison.

### The Scottish System of Prison Discipline

Throughout its period of existence the General Board consistently adhered to its faith in the separate system. This was due initially to the influence of Hill, the first Inspector of Prisons in Scotland. Of the five original Inspectors three, Crawford and Russell of the Home District and Hill, favoured the separate system, while the remaining two, Williams in the North and East and Hawkins in the South and West, favoured the silent system. There was lively debate at the time as to the advantages and disadvantages of each system (5) but in due course the separate system was adopted throughout Great Britain. However, the Scottish version of the separate system, in which Hill was greatly influenced by William Brebner, had its own characteristics. These were summed up by the General Board in its final report for 1860 as being "separation without solitude". Prisoners were forbidden "contaminating communication" with each other, although it should be pointed out that the screened boxes in chapel and the face masks for use in exercise yards were experimented with only briefly in Scotland before being dismissed. Prisoners received "at least 10 visits daily" from chaplains, teachers and others and during this period there is frequent reference in reports to the good done by staff who were prepared to talk to prisoners. An important feature of the Scottish system was the value placed on productive rather than unproductive labour. Prisoners were given an allocation of work estimated to occupy them for 10 hours each day and any work in excess of this resulted in

payment which the prisoner received on liberation or could send to his family. The staff in the General Prison in 1845 included instructors in shoe-making, weaving, tailoring and mechanics.

This was not the separate system as understood in England as William Crawford and Joshua Jebb, who by then were English Convict Prison Commissioners, pointed out following a visit to Perth in 1844.

In our inspection of this Prison we found much to commend in several of its departments. The discipline, however, appears to us to be strikingly defective in several important particulars. In the employments assigned to the prisoners, there is nothing which partakes of the character of hard-labour. The prisoners are allowed a portion of their earnings, which is either reserved for them until their discharge, or sent, at their request, to their relations. The deprivation of personal liberty is still farther alleviated by the prisoners being allowed to write to their friends, and receive visits from them once in three months, and to receive letters from them at all times. The arrangement of the windows admits of communication between prisoners in adjoining cells, and deprives the separation of its most severe character; and the general administration of the discipline is more characteristic of an institution having simply in view an object of benevolence, than of a prison, the design of which is to punish, as well as to reform. On these several points, we submit, that measures should be taken for rendering the discipline more stringent. (6)

Crawford and Jebb, although they visited Perth at the invitation of the General Board, had no remit in Scotland and the comments following their "inspection" clearly annoyed Frederic Hill as his tenth report, published in July 1845, shows. He began by pointing out that twice as many people in proportion to the respective populations were sentenced to transportation in the three preceding years in England as in Scotland and that in the latter country there was no provision for poor law relief for able-bodied persons. Given these two differences Hill suggested that it was proof of the efficacy of the Scottish system of prison discipline that re-committal rates in Scotland were no higher than in England. He goes on to provide a critique of the Scottish version of the separate system which is worthy of quotation in full.

I believe, and I think the experience of Scotland alone has been sufficient to demonstrate the fact, that the separate system, if not made an iron rule, and resorted to in all cases without

reference to the age and mental condition of the offender, can be applied with perfect safety, and (for moderate periods of time) with great moral benefit; that is, provided the prisoners be placed under humane officers, and supplied with useful labour for their working hours, and with interesting and instructive books for their leisure time; for, without these, I should protest against the separate system.

Again, I believe the notion that the prisons in Scotland have, to a great extent, lost their penal character to be quite unfounded; on the contrary, I am of the opinion, notwithstanding all that has been done to improve the condition of the prisoners, that to the really criminal in habits the prisons were never so much dreaded as at this moment.

I attribute the mistake to the superficial view likely to be taken by anyone who walks through one of the present prisons in Scotland, and who does not take various matters into consideration which it is necessary to bear in mind. Such a visitor will see a number of people neatly dressed, clean, in small rooms certainly but sufficiently warm and tolerably well lighted, busily engaged at spinning, weaving, shoe-making, mat-making, knitting, sewing, picking old cords, and various other kinds of work; and in his round you will probably meet the chaplain and teacher, employed in exhortation and instruction. If he waits till dinner-time he will see the prisoners get a meal of plain but wholesome food; and if he should possibly stay till bed-time he may see them comfortably lodge for the night in their hammocks. And such a visitor may say to himself, on quitting the prison, "Why, what is there penal in all this? These people are probably better fed, better clothed, and better lodged than they would be in their own houses, or than many an honest man is who never injured society! Such a system must act rather as a premium to crime than as a terror to evil-doers."

But let the visitor reflect that, first, as respects the honest workman, the prisoner has entirely lost his freedom, and ceased to be his own master; that he is not only cut off from family and friends, but that, generally, he is deprived of companionship altogether; that he must neither whistle, sing, nor shout; that day after day, and month and month, except at the intervals of exercise, he is confined within the 4 walls of his little cell, Sundays and holidays affording no relief, the very changes of the season almost unknown to him, for all, at least, that he can partake of their charms, - let him think of this, and he will probably be of opinion that, though the prisoners were fed on turtle, instead of barley broth and slept on down, instead of straw, there would still be few applicants among the honest working class for permission to occupy their places.  
(p xiii)

This view was shared by the General Board and in November 1844 it wrote to the Secretary of State in response to the comments of the English Commissioners. It admitted that there was no hard labour in



Perth but reminded the Secretary of State of the statutory requirement that prison labour be "useful". It reminded him that he himself had approved the rules which permitted the crediting of earnings to prisoners and that this was done to encourage them to acquire habits of industry. The Board went on to point out that all contact between a prisoner and his friends had to be approved by the Governor and that this was allowed with a view to encouraging domestic ties and social stability. (7) However, not for the last time, English officials were more adept than their Scottish counterparts at influencing their political masters and were able to convince the Secretary of State that it was more important that prison labour should be penal and deterring than that it should be productive. Hill was transferred south in 1848 and two years later his successor, Sir John Kincaid, recommended the introduction of the crank-machine to Scottish prisons. This was soon followed by the introduction of oakum-picking. At the same time it was decided that all prisoners in the first month of sentence, including those only sentenced to up to one month, should sleep on a guard-bed, that is, without a mattress. These changes, which some might argue were retrogressive and designed merely to bring the prison regime in Scotland into line with that in England, were adopted by the new administration after 1860.

#### The Managers of The General Prison

The General Board of Directors had been set up as a result of the 1839 Act with a two-fold remit. The first part was to supervise the local prisons, to ensure that they had a sound system of management and that there was a uniform, well-regulated system of discipline. The second part was to establish and maintain a General Prison at Perth. The Prisons (Scotland) Administration Act, 1860 (23 and 24 Vict, c 105) abolished the General Board and on 31 December 1860 replaced it with four Managers of the General Prison. In a review of this re-arrangement the Prison Commissioners for Scotland commented in their first Annual Report in 1879 that the abolition of the General Board

Was not due to its inefficiency, but to its having brought to a virtual conclusion the purposes for which it was established.  
(p 2)

In theory oversight of the County Boards passed directly to the Secretary of State. In practice he delegated almost all his powers to the Managers of the General Prison. Three of the latter were appointed ex officio, the Sheriff Principal of the County Perth, the Inspector of Prisons and the Crown Agent. The fourth was to be Stipendiary Manager and Secretary. Doctor John Hill Burton, Advocate, who had been Secretary to the General Board since 1854, was appointed to this post.

In their first report, published in 1862, the Managers referred to the new difficulties being experienced with female convicts and other prisoners who had been sentenced to long periods of imprisonment. The first female convicts had been admitted to the General Prison in 1855 and in 1863 arrangements were made to hold a limited number of male convicts. Following an increase in numbers some of the female convicts were transferred to Ayr Prison in 1865.

Convicts were eligible for remission subject to good behaviour. The Managers' interpretation of this regulation is relevant to modern discussion of the remission system.

Being intrusted with the function of bringing under your notice the claims of convicts for remission, we have felt it our duty to look upon the full period in the Secretary of State's scale as the amount of remission to which the convict is entitled, unless a portion of it is justly forfeited by misconduct, and we have hesitated in general to recommend the forfeiture of any considerable portion of the full period. (Annual Report of the Managers, 1862, p 5)

Even at such an early stage it, therefore, appears to have been officially interpreted that remission was an "entitlement". The reasoning given by the Managers for adopting this interpretation also has modern relevance.

Being under the impression that the exercise of any material influence over the length of the sentences of criminals, is not a function suitable to executive officers intrusted with their custody.

(Annual Report of the Managers, 1864, p 8)

The 1860 Act had required that a set of rules for staff should be drawn up. This was duly done and for the first time warders were required to satisfy the various requirements necessary to obtain a Civil Service Certificate to enable them to work in the General Prison. When this requirement was introduced the Managers pointed out to the Secretary of State that the salaries of the warders were significantly lower than those of their English counterparts. The Secretary of State accepted the fact of this discrepancy and the wages of the staff at Perth were duly increased, with the exception of that of the Governor, which remained at the level it had been when the prison opened in 1842.

In 1867 the Managers issued a new set of Rules for the General Prison together with a set of detailed regulations. The latter included the following injunctions to staff.

Prison officers have in their hands an unfortunate and degraded class of their fellow-creatures whose condition calls for peculiar treatment and special qualifications. It is ever the object of the Managers to support a broad line of distinction between this class and the Officers, as persons whose character and conduct entitle them to be intrusted with highly responsible duties. The Managers trust that the Officers themselves will cooperate in this effort by showing on all occasions a worthy self-respect. They will remember that they are dealing with persons who are feeble in mind as well as sinful, and if they should find that they have to encounter irritability, passion, and unreasonableness, they will show their superiority by preserving a demeanour of quiet firmness. Nothing so completely insures an Officer's command over the criminal class as their finding it impossible to irritate him into any unworthy display of passion.

(Annual Report of the Managers, 1868, p 99)

This is a clear statement by the Managers of their belief in the important influence which officers had on prisoners. It also includes an assumption, which would be contentious today, that staff as a class are better people than prisoners as a class.

In many respects the 17 years' tenure of office of the Managers of the General Prison was uneventful. For my purposes it was significant in that it consolidated the central government supervision of Scottish prisons which had begun with the appointment of the first

Inspector in 1835. This supervision, particularly insofar as it was delegated by the Home Secretary in London first to the General Board and subsequently to the Managers based in Edinburgh, was much more direct in nature than that exercised during the same period in England. It was also less remote in that local and national interests were well represented by a combination of what were delicately referred to as

Statesmen in retirement whose voice was likely to be influential with the political rulers of the day.

(Annual Report of the Commissioners, 1879, p 2)

and members of the closely-knit legal fraternity.

There was no equivalent in England to the General Prison at Perth, which, it should be emphasised, was not a convict prison, although it did hold convicts during the first year of their sentence, but a central prison holding prisoners from all over Scotland who had been sentenced to nine months' imprisonment or more. The General Prison was in many respects used as a model for all other prisons. Its rules and regulations were transferred almost verbatim for application into prisons administered by the County Boards. It might well be argued that the only responsibility in prison matters which remained firmly with the local authorities was that of raising the necessary finance. This was a responsibility which the authorities were happy to lose. So, in Scotland, the climate was ready for the changes introduced by the Prisons (Scotland) Act, 1877, an Act which sealed central government control of prisons rather than introduced it.

#### The Final Act of Centralisation

The similar process of centralisation embodied in the parallel legislation of 1877 involved more significant organisational changes in England and Wales. There the convict and local systems were separate; the central oversight of the various local systems was much less direct and it was foreseen that central control would lead to a greater degree of anonymity than was likely in Scotland. The legislation as far as Scotland was concerned was the logical conclusion

to the increasing centralisation of the Scottish prison system which had been taking place for almost 40 years. In England, on the other hand, the legislation was seen as introducing an alternative system. The opposition to this new arrangement never quite died and was expressed by the Webbs in 1922.

We suggest that the intellectual error made in 1876-7, and one often but less exclusively repeated in our own day, was the assumption that, because the administration of prisons by the County and Borough Authorities had become inadmissible, the administration of all the prisons by a Department of the Central Government was necessarily the best, or more correctly, the only alternative. One of the lessons of Political Science is that the "opposite of the wrong" is seldom, ever, found to be "the right". (p 235)

J E Thomas (1972, p 20) has commented that this centralising legislation was the result not of political ideology nor philosophical dogma but of pragmatism, illustrated by the fact that it was passed by the government of Disraeli, despite its opposition to centralisation. The Home Secretary who introduced the Bill, Sir Richard Assheton Cross, was originally loathe to have any tightening of central government control. Why then was the legislation introduced? Sir Edmund Du Cane, who was to become Chairman of the English Prison Commissioners, pressed the need for uniformity of administration but McConville (1981, pp 468-482) has shown that the main justification was financial. Conservative back benchers were demanding that something be done to reduce rates and the government decided to achieve this through a re-distribution of the burden of criminal justice expenditure from the rate payer to the tax payer. The Act affecting the English and Welsh prison system received the Royal Assent on 12 July 1877. The Prisons (Scotland) Act 1877 received the Royal Assent on 14 August 1877 and both Acts came into force on 1 April 1878.

The first substantive section of the Act relating to Scotland confirms the principle justification for the Act.

On and after the commencement of this Act all expenses incurred in respect of the maintenance of prisons to which this Act applies, and of the many prisoners therein, shall be defrayed out of moneys provided by Parliament. (s.4)

All existing prisons were transferred to the Secretary of State and provisions were made for financial compensation from local authorities which had inadequate or insufficient prison accommodation. A body of Prison Commissioners was to be set up to administer prisons on behalf of the Secretary of State. In addition to the Sheriff Principal of the County of Perth and the Crown Agent, who were to be Commissioners ex officio, there was to be a maximum of three other Commissioners. The posts of Inspector (by this time there were only two for the whole of Great Britain) were to remain but they were now to be simply assistants to the Commissioners. The Act allowed for two of the Commissioners to be salaried. The Secretary of State retained the right to appoint all governors, matrons, medical officers and chaplains. Other officers were to be appointed by the Commissioners. The Commissioners were required to prepare an annual report which would be laid before Parliament.

Visiting Committees, consisting of Commissioners of Supply, Justices of the Peace and Magistrates, were to be appointed. There was to be no restriction on any committee member from visiting any part of the prison or any prisoner at any time. They were to be required to visit the prison frequently and to hear any complaints made to them by prisoners. They had as yet no disciplinary function. In their first annual report the Prison Commissioners for Scotland described this inversion of role as one of the main features of the new legislation,

insofar as under previous legislation the local authorities were the executive, administering the prisons, while the Government watched and inspected their administration; now the Government administers, while the local authorities in Scotland, in the shape of visiting committees, watch and inspect, the Government also inspecting for its own purposes. (p 4)

One of the principal practical benefits of the new legislation was that it enabled the Secretary of State to transfer prisoners from one prison to another, a practice which had not normally been possible previously. This allowed for a more even distribution of prisoners among the available prisons. In addition to the General Prison the Commissioners took over 56 county prisons in April 1878. Within one year of taking up office the Commissioners had reduced this latter

figure to 43. Three years later, on 31 March 1882, there were only 35 remaining and by 1888 this number had been reduced to 15. All staff previously employed in County Prisons were transferred to government employment and became civil servants. According to the Act they also became liable to

be distributed amongst the several prisons to which this Act applies in such manner as may be directed by the Secretary of State. (s.42)

This was a major change in conditions of service and one which was to be of great significance in later years.

### The Changed Role of the Inspectorate

The first central influence on the United Kingdom prison systems came with the appointment in 1835 of five Inspectors of Prisons. The Inspector appointed for Scotland was Frederic Hill, brother of Rowland Hill. He set about his task with a will and soon showed himself to be a man of firm opinions although at the same time willing to lean heavily on the advice of experts such as William Brebner. His early reports are comprehensive and do not shirk from apportioning responsibility for poor facilities and administration. It was on his recommendation that the General Prison was established at Perth and the knowledge which he had acquired led to his appointment as a founder member of the General Board of Directors of Prisons in Scotland in 1839. Although succeeding Inspectors attended meetings of the General Board they did so only in an advisory capacity and were not members. When the General Board was replaced in 1860 by four Managers of the General Prison the Inspector of Prisons was one of their number.

The Act of 1877 introduced a fundamental change to the role of inspector. Henceforth, instead of reporting directly to the Secretary of State they were to "assist" the Prison Commissioners in the performance of their duties. The relevant section of the Act lists the inspectors along with "store-keepers, accountants, and other officers and servants" (s.8). Unlike the others the inspectors were to be

appointed by the Secretary of State and, like the others, their number had to be sanctioned by Treasury.

This latter requirement caused immediate unrest. The Commissioners wished to appoint two inspectors. The Treasury thought that only one was required. Unusually the Treasury gave way and on 21 January 1878 advised the Commissioners that they approved "only with much hesitation" the appointment of two inspectors but told the Commissioners,

That one of these appointments ought to be made on the understanding that at the end of three years it may be withdrawn without giving a claim for compensation. (8)

In April 1878 the Secretary of State appointed without condition Mr Stuart Johnson and Major W G B Willis, "two gentlemen who have had large practical experience in the English convict service". Willis was allocated the eastern prisons and Johnson the western. Their reports were published as appendices to the Annual Reports of the Commissioners.

Johnson died in 1894 and the Commissioners decided that in view of the reduced number of prisons Willis should be the sole inspector. The latter remained in post until 1903. Despite his length of tenure he did not have the same influence on the service as early Inspectors such as Hill and Kincaid, particularly because of the existence of central administration and also because he saw himself as a servant of that administration. I shall refer below to some of the changes which he did influence. In his final report he allowed himself some comments.

In looking back 26 years on prison service in Scotland, I have seen many changes. The most observable is, perhaps, the marked alteration in the prisoner class. There is less brutality and more civilisation, due, I think, in a great measure to far less severity, more sympathy, and firm, but just, rational treatment. Another gratifying alteration is, I am glad to say, the status of the prison warder. This has greatly bettered from what it was 26 years ago. It has improved in position, and chances of advancement, in regard to comfort, good quarters, social amusement, and endeavour to counteract as far as possible the monotony of the duties.



When Willis retired in March 1904 the Commissioners agreed with the Treasury that the post should not be filled. It was subsequently decided that the Secretary to the Prison Commissioners, who at the time was David Crombie, should be appointed an Inspector of Prisons in terms of the 1877 Act. From that point the publication of an Annual Inspector's Report ceased. Inspection continued in an internal and intermittent fashion in the Scottish Prison Service until, following a recommendation of the Report of the Committee of Inquiry into the United Kingdom Prison Services in 1979 a distanced inspectorate was established in January 1981.

## 2.2 The Prison Commission for Scotland: 1877-1929

### The Prison Commissioners

Section 7 of the 1877 Act provided that the Sheriff of Perth and the Crown Agent should be Prison Commissioners ex officio and that a maximum of three other Commissioners, two of whom could be salaried, might be appointed. The Secretary of State was entitled to appoint any one of the Commissioners to be Chairman. In the event, Thomas Lee, Sheriff of Perth, became first Chairman and the Secretary of State appointed two others. Captain Thomas Folliott Powell, who prior to the Act had been one of the two remaining Inspectors of Prisons, with responsibility for the Northern District, which included Scotland, was appointed at a salary of £1000 yearly. Dr John Hill Burton, who had been Secretary to the General Board of Directors between 1854 and 1860 and Stipendiary Manager and Secretary since 1860, was appointed to be the other Commissioner. For some reason he was not paid a salary and on his death in August 1881 was not replaced.

When Sheriff Lee was elevated to the Bench in 1880 the Secretary of State decided that the new Chairman should be the second paid Commissioner as allowed in the Act. Andrew Beatson Bell, Advocate, was appointed to the post at an annual salary of £1000. Folliott

Powell died in September 1885 and was succeeded by Major Alexander Burness McHardy, RE, Surveyor of Prisons in England. In 1896 Beatson Bell retired and McHardy, by then a Lieutenant-Colonel, was appointed Chairman. His place as Commissioner was taken by Walter H Haddow. McHardy retired in October 1909 and was succeeded by Walter Scott, Master of Polwarth. In April 1913 Dr James Devon took Haddow's place as Commissioner. These two, along with the ex officio members, formed the Commission until it was disbanded in March 1929 as a consequence of the Reorganisation of Offices (Scotland) Act 1928.

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PRISON COMMISSIONERS : 1877-1929

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	Chairman	Commissioners
1877	Sheriff Thomas Lee	Capt T Folliott Powell      Dr John H Burton
1880	A Beatson Bell	Capt T Folliott Powell      Dr John H Burton
1881	A Beatson Bell	Capt T Folliott Powell
1885	A Beatson Bell	Major B McHardy
1896	Lt Col A B McHardy	Walter H Haddow
1909	Lord Polwarth	Walter H Haddow
1913	Lord Polwarth	Dr James Devon

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During this period the Sheriff of Perth and the Crown Agent were Commissioners ex officio

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Throughout the last 20 years of the 19th century the English Prison Commission was dominated by Sir Edmund Du Cane, the arch-autocrat who ran the service virtually in a single-handed manner and who was considered by some commentators to have been "the greatest figure in the history of the English Prison System" (Thomas, 1972, p 28). Du Cane's successor, Sir Evelyn Ruggles-Brise, dominated the English service in a similar fashion during the first 20 years of this century. There is no one comparative figure in Scotland. The reason is probably two-fold. In the first place the process of centralisation of the prison system in Scotland was completed rather than begun by the Act of 1877 as was noted by the Scots Commissioners both in their evidence to the Elgin Committee of 1900 and in their tenth Annual Report.



The management of the Scottish Prisons came under the control more or less complete of a central board in 1840, nearly half a century ago, and they have been in this respect widely different in their administration from the Prisons in England, which passed into Government control only 12 years since. (p 4)

The architects of the Scottish system are to be found in the middle rather than the end of the 19th century and were William Brebner, Frederic Hill and Lord Melville. Under them the Scottish penal system developed a corporate identity which was broadly similar to yet at the same time quite distinct in emphasis from the English service.

The second feature, which was also largely responsible for the separate identity of the Scottish system, was the fact that from the outset the prison service had been an integral part of the Scottish criminal justice process, locked securely into the close-knit legal system. The General Board of Directors, which took office in 1839, included among its 19 members the Lord Justice General, the Lord Justice Clerk, the Lord Advocate, the Solicitor General, the Dean of the Faculty of Advocates and five Sheriffs. The four Managers of the General Prison, who were in office between 1860 and 1877 were, in addition to the Inspector of Prisons, the Sheriff Principal of Perth, the Crown Agent and an Advocate as Secretary. Throughout the 52 years of its existence the Sheriff Principal of Perth and the Crown Agent remained ex officio members of the Prison Commission.

The eminence grise of its first four years was Advocate John Hill Burton who had been appointed Secretary of the General Board in 1854 and who had been Stipendiary Manager between 1860 and 1877, moving on to the Commission where he remained until his death in 1881. Although unpaid Commissioner, Burton was sure enough of his ground to argue successfully against his colleague Folliott Powell, the former Inspector of Prisons, on the question of Principal Warders in 1878 (9).

The second Chairman of the Scottish Prison Commission, following the initial tenure of Sheriff Thomas Lee, continued the legal tradition.

Andrew Beatson Bell was an Advocate. Under him the Commission continued to exercise its role effectively but unobtrusively. The only occasion on which he seems to have been required to show his teeth was in connection with the right of Scotland to convict labour in opposition to the wishes of Du Cane. The incident is dealt with later in this chapter.

The English Prison Service has been widely recognised for the military background particularly of its senior staff (Thomas, 1972, pp 47-50). This was not the case in Scotland, despite the presence of several military men after major wars, where the link was more closely with the legal fraternity. Ironically, the one man who, if anyone is to claim the title, was the leading figure in the Scottish prison system in the early part of the 20th century was the exception to this rule. Alexander Burness McHardy, Commissioner between 1885 and 1896 and Chairman from then until his retiral in 1909, was both a military man and a protege of Du Cane. When Folliott Powell died in 1885 the Prison Commissioners for Scotland asked the newly-appointed Secretary for Scotland, to whom they were now responsible, for permission to combine the roles of Secretary and second Commissioner. The Duke of Richmond and Gordon did not agree with the proposal and minuted,

I have consulted Sir Edmund Du Cane who knows most of the applicants whom he would recommend. He tells me Major McHardy, RE, is by far the best man on the list. (10)

Like Du Cane and so many others McHardy held a commission in the Royal Engineers. Du Cane brought him into the English Prison Service in 1877 and at the time of his appointment as a Scottish Commissioner he was Surveyor of Prisons in England. In their Annual Report for 1909 the Commissioners expressed their appreciation of McHardy's efforts on their behalf and did so in fuller fashion at their meeting on 5 November 1909.

He has left unmistakably the impress of his work upon the Prison System of Scotland. It is to be seen in the Prison Buildings themselves, many of which were entirely re-built or largely re-constructed in accordance with his plans and under his immediate supervision; these "building" operations having

been carried out mainly by prisoners working under the direction of Officers of the Prison Staff, thereby not only effecting a very great saving in expense, but also affording prisoners a valuable training in building and construction work, qualifying many of them for honest employment after their liberation. Even more marked is the effect of his work in infusing into the Prison Administration of Scotland a spirit of reform.

A strict disciplinarian he yet ever strove to inspire the whole Staff with his own ideas of kindness, sympathy and consideration in the treatment of prisoners. He always took a broad view of his duties as Chairman of the Prison Commission and was never content to be a mere jailor caring only for the safe custody of those in his charge, but made a wide study of problems of crime - its causes, treatment and prevention. (11)

On 26 October 1909 the Honourable Walter George Hepburne-Scott, Master of Polwarth, was appointed Chairman of the Prison Commissioners. Polwarth had previously held office as Chairman of the General Board of Lunacy for Scotland. He continued to exercise the role of Chairman in an unobtrusive manner. Like McHardy he took a broad view of his responsibilities and was prepared to make reference in his Annual Reports to features of the criminal justice process which were outside his immediate area of responsibility. He frequently referred to the benefits of probation as a method of reducing the increasing short-term prison population. In 1902 McHardy had travelled to the United States to study prison methods there and in 1910 Polwarth went to Washington as the first official Scottish representative to the International Prison Congress.

The last individual to be appointed a Commissioner was Dr James Devon in 1913. His was an interesting example of poacher turned gamekeeper. He had previously been Medical Officer at Barlinnie and in that role had been instrumental in organising classes in basic first-aid for warders and extending these classes to other establishments. Prior to his appointment to the Commission he had little regard for his future colleagues and took the unusual step of expressing this publicly in the columns of the "Glasgow Herald".

All the prisons in Scotland are under the control of a Board in Edinburgh consisting of two ex officio and two salaried members. The ex officio numbers are seldom, it may be never, within the prisons, and the management is to all practical purposes in the

hands of the others. If, by any chance, one of these should be an incompetent person, the power of the other, administratively, would be supreme; and the bureaucracy would become an autocracy. There is no independent inspection of the work of the Board: the Commissioners report on their own work. They appoint, promote or dismiss all warders; they control and direct all other prison officials. Yet they cannot know local conditions as local men do; and they are not in a position to know much of the needs, other than physical, of the prisoners. They may arrange that the prison be kept right; they cannot arrange that the prisoner be put right, where there are as many points of difference in character and capacity between criminals as between, let us say, officials. (29 January 1908)

The Commissioners debated the possibility of responding publicly to this attack or of disciplining Devon. In the end they decided to take no action and five years later he was appointed as Commissioner to replace Walter Haddow.

#### Peterhead Convict Prison

The period of office of the Prison Commissioners was a time of considerable re-distribution of the prison estate. When they came into office in 1878 they took over responsibility for 57 prisons, including those in towns such as Greenlaw, Alloa, Campbeltown, Kirkcudbright, Dunblane and Dornoch. By the time they demitted office in 1929 there remained only 12 prisons, including almost all the major establishments which are in use today. Perth, of course, pre-dated the Commission. Building commenced at Barlinnie and Dumfries in 1882 at Peterhead in 1886 at Aberdeen in 1890 and at Inverness in 1901. The Borstal system had been introduced in Scotland with the purchase in 1911 of Blairlodge School, described in the Annual Report for 1911 as "a large private boarding school for gentlemen's sons situated at Polmont, Stirlingshire". The majority of the prisons were built largely by inmate labour.

The place of Peterhead in the prison system of today will be discussed in a later section of this thesis in connection with difficult prisoners. For that reason its development under the Commissioners is worthy of closer examination. The new Commissioners received their Royal Warrants of appointment in August 1877. Within

six weeks John Hill Burton was writing as follows to his new colleagues, who had not yet taken up office:

It has been noticed that while Scotland contributes her share to the costs of maintaining (convicts) England has the benefit of the whole expenditure, along with any local service that may accrue in the shape of harbours or other works. It has sometimes been suggested that convict labour might be beneficially applied in fertilising the wastes of the Highlands and Islands or in supplying harbours of refuge or other safeguards for the navigation of the Northern Seas. Both these forms of production are of a kind not likely to excite local trade jealousy. (12)

The notion that Scotland was entitled to benefit from the labour of convicts gained support and in 1884 a Parliamentary Sub-Committee was appointed to investigate the question of the most suitable place for a harbour of refuge on the east coast. The Committee duly reported that:

The most likely project for benefitting the shipping and fishing interests of the country at large, and at the same time profitably employing convicts, is the construction of a harbour of refuge at Peterhead, in Aberdeenshire.

The removal of all Scottish convicts from the English convict system would have entailed a significant reduction in the numbers available for public works there. Sir Edmund Du Cane saw that a significant piece of his empire was in danger of disappearing and in August 1884 he curtly advised the Home Office that no convicts would be available to work at Peterhead until 1888 or 1889. The latter pointed out in reply that Du Cane in his evidence to the Sub-Committee had said that the number of Scottish convicts available for public works was between 600 and 650. They further pointed out that Scottish sentiment on this issue could not be overlooked:

Indeed it can fairly be said that the feeling in Scotland on the subject which can be very high at one time has been positively quiescent for some time past, in the full expectation that, after the Parliamentary Report of the Sub-Committee in favour of Peterhead, this question was practically settled. (13)

The Home Office then confirmed to the Treasury that between 600 and 650 Scottish convicts would be available for public works at Peterhead, of whom about 500 would make up the daily working

parties. At the beginning of September 1885 the Treasury agreed in principle to the proposals. In early 1885 Andrew Beatson Bell, Chairman of the Commissioners, and Sir John Goode, Engineer-In-Chief for the construction of the proposed breakwater, visited several sites in the area and in March recommended that the prison should be built at Salthouse Point, adjacent to the harbour, while the quarry should be some two and a half miles away at Boddam Castle, with a connecting railway.

Having lost the battle over the work to be done at Peterhead, Du Cane attempted to influence the location of the prison, suggesting that it should be built at the quarry rather than at the breakwater. Bell, however, was not to be moved and insisted that the chosen site was the correct one. (14) In May 1885 Du Cane was asked by the Home Office whether he had any final comment. His reply was somewhat petulant:

I don't think anybody can doubt that the position involves some considerable risks and disadvantages; but if everybody concerned is prepared to accept and overcome them there is no more to be said. (15)

The Prison Commissioners submitted an estimate of £99,519 for the construction of the new prison. Treasury finally beat them down to £57,400 by insisting that the proposed stone-built chapel be replaced by one of corrugated iron, that the height of the perimeter wall be reduced and that water closets should be replaced by dry closets. The land on which the development was to take place was owned by the Edinburgh Merchant Company and a figure of £5000 was agreed for its purchase. Parliamentary approval for the work was given in June 1886 under the Peterhead Harbour of Refuge Act 1886. The first cell block was built by contract labour and the remainder by convict labour. On 29 June 1888 an Order in Council was approved,

That the said Prison at Peterhead in the County of Aberdeen, with the whole buildings and grounds pertaining thereto, shall be a General Prison for the confinement of male prisoners sentenced to penal servitude.

The use of convicts on public works in Scotland was described by the Commissioners in 1889 as "an entirely new departure in the history of



criminals". Staff were transferred from other Scottish prisons and the prisoners themselves settled to their task. Their life was similar to what they would have expected in an English Public Works Prison.

They sleep in separate cells, but work in association; they are required to be industrious; and conversation, beyond what is absolutely necessary, is prohibited. They are provided with ample clothing, food, and allowed the use of library books in addition to the religious books with which every cell is furnished.

(Annual Report of the Commissioners, 1889, p 3)

At the end of 1888 there were 114 convicts in Peterhead. The retention in Scotland of all prisoners sentenced to penal servitude coincided with a fall in the numbers so sentenced. The Commissioners provided a double explanation for this fall; a decrease in serious crime in Scotland and a reduction in severity of sentence. This meant that convict numbers did not build up as quickly as had been hoped. By 1893 they had risen only to 330 and the Admiralty Engineers were expressing concern at the length of time being taken to construct the breakwater.

The role of Peterhead is central to an understanding of the management of Scottish prisons today. I shall later demonstrate how the development of this role has been heavily influenced by pressure from the staff as a body. At this point it is sufficient to note that the original justification for the location in Peterhead was not that its remoteness provided additional security but rather that its prisoners could be employed on work which would benefit the community.

### Prison Labour

No discussion of the period of Scottish prison history can ignore the particular emphasis placed on prison labour. This emphasis pre-dates the Commission. Dobash (1982) has pointed out that this was an integral feature of the Bridewells at the beginning of the 19th century. Elsewhere the same author (1983) has argued that this was an example of Foucault's thesis (1975) that the penal reformers were seeking primarily a new political economy of the power to punish in wishing to increase the effects of punishment while diminishing its

economic cost. This is certainly the line taken by Frederic Hill in his first annual report.

(At Glasgow Bridewell) the two great principles of separation and constant employment are here carried into effect..... And instead of being a heavy burden on society, and, among others, upon the poor honest labourer, who with difficulty spares the smallest contribution in the form of taxes, the prisoners in the Glasgow Bridewell earn by their labour nearly the whole of their maintenance, including also the salaries of those officers whose superintendence they have rendered necessary by their own acts. (p 53)

Such a stance was very much in keeping with the lack of any official provision for poor law relief in Scotland for able-bodied persons (Checkland, 1980) and goes some way to explaining the vehemence of the response mentioned above to the criticisms of the English Convict Commissioners, Crawford and Jebb, that penal labour in Scotland was useful rather than "of the character of hard labour".

By 1877 useful labour was a general feature of Scottish prisons and one of the first acts of the Commissioners was to ask the Secretary of State for permission to appoint a General Superintendent of Stores,

whose duty it would be not only to purchase under our direction the materials and stores required, but to superintend the distribution of the same, and to dispose of all prison manufactures that were not required for the prison service.

(Annual Report of the Commissioners, 1879, (p 8)

The annual report of 1885 notes that this officer had been appointed and the following year he was transferred from his base in the General Prison to the Commissioner's Office in Edinburgh.

#### Report of the Elgin Committee (1900)

The major report on prisons in England produced by the Gladstone Committee in 1895 had no remit in Scotland although members of the Committee visited Barlinnie and Perth Prisons for comparative purposes. The Prison Commissioners for Scotland had very little comment to make on the report other than to dismiss its proposal that two or more prisons should be selected as training schools for all

ranks of prison staff on the grounds that staff in all prisons should be trained to an equal level of efficiency. (16) The oft-quoted dictum contained in paragraph 47 of the report, "that prison treatment should have as its primary and concurrent objects, deterrence and reformation" had been a central tenet of official policy in Scotland since the Glasgow Bridewell had been extended in 1822 "for the punishment and amelioration of delinquents".

Of much greater importance for a proper understanding of the development of the Scottish prison system at the turn of the century is the Report of the Elgin Committee of 1900. On 28 February 1898 a group of Scottish MPs met with Lord Balfour, the Secretary for Scotland, and presented him with an unsigned document entitled "Reasons for an Inquiry into the Administration of Scottish Prisons such as has been granted to the English and Irish Prison Services". The document went on at some length to describe the alleged inadequacies in the Scottish prison system. On 28 August 1899 Balfour appointed a five man committee under the chairmanship of the Earl of Elgin and Kincardine to investigate the allegations. There were five terms of reference, although the Committee took a broad view of these.

We have constructed this reference to mean that the whole of prison life as it affects the prisoner was included in our Inquiry, and that nothing of the nature of prison treatment was excluded from our cognizance.

(Elgin Report, p 1)

In its introduction the Report dismisses any suggestion that the Commissioners and their staff have been other than positive and humane in the administration of both the system and individual establishments. It regrets that the memorandum which caused the Secretary for Scotland to set up the Committee was anonymous, thus preventing the Committee from examining its authors. Nevertheless the Committee considers that it has exhaustively studied all the allegations made:

The results of such investigation will appear below, but it is our duty to say here that we have found nothing to justify the very

hostile denunciation of the whole administration of Scottish prisons; and that we regret the bitter spirit in which this paper was conceived and the veil of anonymity by which it was discovered. (p 2)

The first term of reference was to examine "the provision made in Scottish prisons for the nursing and accommodation of sick prisoners". In this respect the Report sets the principle which is to be followed:

A sick prisoner ought, we think, to receive at least as prompt and satisfactory treatment as he could have obtained had he not been in prison. (p 3)

In effect, an interesting statement of the obverse of the principle of less-eligibility. In the Committee's view the existing regulations largely allowed for this. One major difference between Scottish and English regulations was that the former allowed the removal of a serving prisoner to an infirmary or hospital either for the sake of the health of other prisoners or because he himself was an immediate danger. The Committee viewed this as a significant advantage and recommended that its application should be extended. The Committee was generally content with the resources available for the treatment within prisons of those prisoners who had minor illnesses. It suggested that male "nurse warders" should undergo a period of training in the Barlinnie Prison hospital and their female counterparts similarly in Duke Street Prison but rejected the allegation in the memorandum that "proper nursing arrangements are still entirely absent in Scottish prisons". It was equally firm in its rejection of the allegation that the location of several sick prisoners in prison hospital cells without proper supervision led to these cells becoming hot beds "of moral corruption" involving "the gravest contamination or the grossest intimacies being contracted". The Report contained one recommendation which was specifically intended to assist the medical officers but had the wider result of pushing prisons into the 20th century in a more general context,

We understand the Chairman of the Prison Commissioners to object to telephones, but they are now a recognised convenience for the transaction of business, and might, we think, be introduced with advantage into the general service of prisons. (p 14)

The second term of reference of the Committee was to consider "the sufficiency of the accommodation provided in the prisons of Scotland for ordinary prisoners". The original memorandum had specified three areas of complaint. These were, first, that the General Prison at Perth, "the best and foremost prison of Scotland", was being all but abandoned. At that time two of the cell blocks were lying empty. Secondly, the provision of places for an additional 400 prisoners at Barlinnie was unnecessary as these prisoners could have been accommodated at Perth. Finally, the "unnecessary enlargement and extension of the badly situated, insanitary, antiquated, and long since condemned prison of Dundee, in order to complete the extinction of the model General Prison at Perth". In its Report the Committee acknowledged that there had been instances of overcrowding. They suggested two reasons for the increased number of admissions. The first was "that in years of good trade and good weather the numbers will rise" and that this had been the case in the preceding years. This is at first sight an unusual assertion but the Committee's reasoning was that so many of the offences involved were drink-related and drunkenness was more likely when people had money in their pockets. As evidence of this they cite the annual increase in the admission rate at the time of the Glasgow Fair holidays. The second reason, which was related to the first, was the increase in the number of statutory offences, most of which were likely to be committed by individuals under the influence of drink. To support its argument the Committee compared the situation in Glasgow, with a population of 725,000, to that in Liverpool with a population of 630,000. In the former there were in a recent year 19,000 arrests for drunkenness and 21,000 for breach of the peace and petty assaults while the comparable figures in the latter were 4,339 and 800 respectively. One outcome of this discrepancy was that in 1897 the average length of sentence imposed in Scotland was 15 days compared to an average of 28 days in England. The Committee observed that such short sentenced prisoners "who are here today and gone tomorrow" learned nothing from a period in prison and posed significant accommodation problems for prison authorities. The Commissioners had standing arrangements for transferring prisoners between establishments to relieve

over-crowding but these were of little help when prisoners were serving such short sentences. The main areas of over-crowding were Glasgow and Greenock and the Committee suggested that it might be necessary to build a new prison to relieve that area.

The main reserve of accommodation in the system was in the General Prison at Perth. The Committee rejected the suggestion that this be used to relieve over-crowding in the West of Scotland as far as the majority of prisoners was concerned because of the brevity of sentence. As far as long-term prisoners were concerned, the Committee supported the stance taken by the Prison Commissioners which was that one of the main objects of the existing system of allocation and the justification for building a general prison at Barlinnie was to keep the long sentenced prisoner close to his home environment; "this is probably of greater importance to him than to the man with a short sentence of a few days only". This is an interesting observation in the light of present policy and practice. For the last 30 or so years a basic principle of the national classification system has been to separate long-term prisoners from those serving short sentences and to put the former to prisons where they might receive some form of training regardless of geographical location. There is now a body of opinion which suggests that the primary consideration in allocation should be to keep the prisoner as close as possible to his home environment; that is, a return to the system in operation at the time of the Elgin Committee.

The Committee was equally dismissive of the argument in the memorandum that "the badly situated, insanitary, antiquated, and long since condemned prison of Dundee" was being expanded "in order to complete the extinction" of Perth Prison. The report was at pains to emphasise that the Dundee Prison was well-appointed and that the re-building, which was undertaken largely by inmate labour, provided good training for the prisoners involved. It was admitted that the location was far from ideal but confirmed that a city as large as Dundee could not be left without a prison. The report gives the impression of less than total enthusiasm for this argument and in the light of subsequent events it would appear that the Commissioners

were indeed expanding Dundee Prison at the expense of Perth. By the early 1920s the numbers in Perth had been run down to such an extent that the prison held only prisoners awaiting trial. As soon as possible after sentence they were transferred to Dundee. However, the plans to close Perth hit an unexpected snag and within a few years the future of the two prisons was reversed. The Annual Report of the Commissioners in 1928 tells the story.

Dundee Prison was closed on 4 October. This was the result of an offer from the Town Council to purchase the prison and use it, partly as improved police premises and legalised cells, and partly for an extension of the Corporation Tramways Department. In March 1922 it was arranged that Perth Prison, so far as ordinary prisoners were concerned, should be practically closed and all prisoners transferred to Dundee. This was done as a measure of economy; but it was impossible to remove the Lunatic Department from Perth Prison, and it was found that greater economy would result from the closing of Dundee Prison and the transfer of Dundee prisoners to Perth. (p 4)

Ironically, within 10 years a new Criminal Lunatic Asylum was under construction at Carstairs, Lanarkshire. The grounds on which the Commissioners had been reluctantly forced to retain Perth Prison were removed but by that time the die had been cast.

The third area of investigation for the Elgin Committee was "juveniles and first offenders, and to what extent they should be treated as classes apart". The report concluded that little change was required in the existing arrangements. In his evidence McHardy, Chairman of the Commissioners, indicated that some thought had been given to locating all juveniles in Cupar Prison but that no action had been taken because the numbers involved were so small. A juvenile prisoner was defined as one who was 16 years old or less. In 1899 the total number in custody was 21, of whom five were under 16 years. According to the Minutes of Evidence of the Committee, McHardy indicated that Governors were allowed to exercise discretion as to which young prisoners they kept apart from the main population.

Well, we had the age of 16 put in our rules and regulations, but I myself observed sometimes in prison miserable little creatures who were supposed to be 17, 18, and so on, and with the

concurrence of others we have not specified in our last regulations what a juvenile is; the Governor determines whether he is a juvenile or not. That is with the intention of giving the poor creature, though past the age, a chance of being treated as juvenile. (p 99)

The Committee supported the Commissioners in preferring this flexible form of separation to the more general suggestion that all inmates under the age of 21 should be kept separate on the grounds that "it is notorious that between the ages mentioned (18 and 20) there are not a few who can only be described as habitual criminals already". (p 20). The same argument was used in rejecting a rigid separation of first offenders. This was best done on a basis of individual assessment, not least because it was difficult to decide with any certainty who was a genuine first offender; "the only fact in which they resemble one another is that they have not before been detected". These two items are very germane to the discussion which is going on within the prison administration today about the validity of the present system of inmate classification in its distinction between under-21s and adults, between first offenders and recidivists and between short and long-term prisoners.

The Committee was asked to consider "the sufficiency of prison dietary". It discovered that in 1898 the Commissioners had asked their newly appointed medical adviser to report on this matter. He had come to the conclusion that many prisoners, particularly the able-bodied who were serving less than four months, were under-fed. He recommended that dietary classification should be based not on the length of sentence but on the particular needs of the prisoner, especially in relation to the work he was expected to do. The Commissioners had accepted these recommendations and this action satisfied the Elgin Committee.

Finally, the Committee was asked to examine "prison labour and occupation, with special reference to the physical condition and the moral improvement and training of the prisoners". Reference has been made above to the Scottish tradition of "useful" labour in prisons. McHardy pointed to an important difference between Scotland and England.



Probably I think the greatest difference which stands out and meets everyone going into the English and Scotch prisons is that in England they have the treadmill, and they have been accustomed all along to have that means of enforcing what they call first-class hard labour.

(Minutes of Evidence, paragraph 42)

In fairness to McHardy, he did not over-state his case: "There is no unproductive labour, but there is lot of it not very productive".

The Commissioners were restricted by the Government's insistence that labour in prisons should not interfere with independent commercial enterprise and that work should be sought principally from Government departments. The Elgin Committee suggested that such a blanket restriction was unnecessary and observed that prison labour would be more rewarding if it were related more directly to commercial needs. The Commissioners took a very pragmatic line in their evidence to the Committee.

It will be seen that all the labour is industrial, but there is undoubtedly a large amount of it under the heading of picking which is of a very low class. It may, however, be remarked that it is necessary to have in prison a certain amount of very simple labour for the employment of the large numbers committed for drunkenness and breach of the peace, who, when at liberty, are idlers and have never learned a trade. There are many drawbacks to the development of useful trades in prison. The principle the Commissioners have acted on is that the Government is not anxious to develop manufactures in the ordinary sense which the term now implies - namely, large collections of machinery adapted for the production of specific articles. Instead of erecting machines of the latest type, doing the work of many hands, the Commissioners have to discover on what work manual labour alone can be employed without the introduction of any machine to facilitate it. (Appendix 9)

The Commissioners went on to comment that the most useful work they had to offer was on the many building operations within establishments since this was the sort of work which prisoners were most likely to find after release. The Elgin Committee's comments in this section of its Report concluded with a refreshingly honest observation.

It must, however, be added that no one ranks very highly the educative and reformatory influence of prison labour. (p 22)

This contrasts strongly with the view which has held sway among the administrators of Scottish prisons over the last 20 years which has been, as Dobash (1983) points out, that prisons should be industrial centres providing high quality goods for both the public and private sectors under the direction of an Industries Division within Prisons Group which includes product development and marketing branches. Dobash argues, however, that this development has more to do with a reinstatement of the earlier goals of confinement linking inmate labour with capital for the purpose of creating surplus value than with any notion of rehabilitation.

The Elgin Committee dealt with one other matter which was not directly within its terms of reference. It commented on the fact that many of the problems which confronted the management of prisons required "experience in medical requirements and practice" for their solution. It suggested that it was not sufficient for the Commissioners to have a medical adviser but rather that one of their members should have medical qualifications. It went on to comment that the expense of an additional Commissioner with medical qualifications might be recouped by the abolition of the post of Inspector which it considered to be "quite anomalous" since the post holder performed many of the duties of a Commissioner without any of the authority. The post of Inspector eventually survived the Commission itself, remaining in its internal form until the May Report confirmed the view of the Elgin Report about internal inspection. The recommendation that one Commissioner should be medically qualified was adopted, not by an addition to the membership but by the appointment of Dr James Devon to the Commission in 1913.

The Report of the Elgin Committee is more central to an understanding of Scottish prison administration at the turn of the century than is the Gladstone Report. The former dealt directly with the main problem facing the Scottish system which was an increasing prisoner population as a result of the high number of convictions for petty offences, most of them related to drunkenness. It supported attempts to detain long-term prisoners in establishments near their homes, principally in the West of Scotland and Dundee, even at the

expense of the General Prison in Perth. It questioned the value of too-rigid a form of inmate classification, preferring a system with maximum flexibility. It also adopted a pragmatic view of prison labour, recognising that its rehabilitative value was likely to be minimal. Of equal interest is the area with which it did not deal. Several matters raised in the original anonymous memorandum related to staff difficulties. In its preamble the Report observes,

It was not within the scope of our reference to investigate any feeling of dissatisfaction which might appear to exist among members of the prison staff. Accordingly we express no opinion upon this question, but we cannot ignore the fact of the existence of dissatisfaction in certain quarters. (p 1)

I shall return to the nature of this dissatisfaction in the later section dealing with prison staff.

### Levels of Imprisonment

Representative average daily numbers of prisoners in custody during the period of office of the Prison Commissioners were 3137 for 1879 2749 for 1899 and 1639 for 1928. A matter of frequently-voiced concern to the Commissioners was the consistently high rate of committals. The average for the last quarter of the 19th Century was between 11 and 13 per thousand of the population. In their report for 1913 the Commissioners observed that the rate had decreased to 9.95 compared to the level of 10.23 in 1912. The comparable figure in England for 1912 was 4.82. What this implied was that more people in Scotland received very short sentences. The Elgin Report had noted that the average length of sentence of Scotland was 15 days compared to 28 in England. By 1903 this had increased marginally to 18 days; by 1913 it had altered to 17.23 days. The Commissioners were not slow to voice their unease at the large number of offenders being sent to prison for short periods.

The Commissioners still believe that much more effort should be made to deal with first offenders in other ways than by committing to prison, particularly for short sentences..... There is a marked increase in sentences of five days, and a decrease in sentences of from 10 days and upwards..... The Commissioners have often expressed their views as to the futility

of short sentences, and so have many other authorities upon the subject, but nevertheless they continue to increase..... Thousands are annually committed to prison in default of payment of a fine for comparatively trivial offences, and thus for the first time make their way automatically into prison.

(Annual Report of the Commissioners, 1914, p 8)

With unfailing regularity annual reports commented on the high numbers of prisoners sentenced for offences related to drunkenness. In an appendix to the report for 1889 Sir Douglas MacLagan, Medical Adviser to the Commissioners, complained at the intolerable strain being placed on prison medical officers who had to deal with these persons who were invariably "utterly broken down in constitution, barely recovered from the direct effects of debauch". At the same time, it would be wrong to give the impression that drunkenness related only to minor offences.

While it requires no investigation to realise that the excessive numbers of committals for drunkenness and breach of the peace, which account for 40,000 out of a total of 56,500, were brought about by abuse of alcohol, it is nearly certain that also in cases of more serious crime drink is often an important factor. At a recent inspection of Barlinnie Prison, Glasgow, which contains the largest population in one prison, an examination was made into 245 cases of the prisoners with longest sentences, and who therefore might fairly be presumed to be the greatest criminals. According to their own statements, which have been in some cases verified, 171 of them were more or less affected by liquor at the time when the crime was committed, whilst only 74 were sober.

(Annual Report of the Commissioners, 1899, p 7)

The Prison Commissioners did not confine themselves to negative complaints about the high level of imprisonment. In succeeding annual reports they pressed the advantages of alternative forms of sentence. They were early supporters of probation, extolling the virtues of the new system of Probation Guardianship, "whereby the operation of the sentence is suspended provided that the offender behaves well under supervision", and urging that the scheme be given statutory power (Annual Report, 1906, p 6). The Probation of Offenders Act was duly introduced in 1907 and two years later the Commissioners were urging that greater use should be made of the Act and regular probation officers be appointed throughout the

country. The Commissioners returned to the charge in their report in 1922 and seized on a problem which continues to bedevil our system of dealing with offenders today, the fact that there is no fiscal incentive for a local authority to provide resources to keep an offender out of prison.

It is too often forgotten that probation properly worked is nevertheless very economical as compared with the high costs of imprisonment at the present time when every prisoner costs £84.7s.5d per annum or 4s.7d for every day's imprisonment. It is obvious that the expenses of a probation officer would soon be met if he succeeded in keeping a reasonable number of persons out of prison; but this aspect of the question does not appeal greatly to those whose duty it is to appoint and pay probation officers, in as much as they bear no direct share of the cost of imprisonment.

(Annual Report of the Commissioners, 1922, p 8)

### Aftercare of Prisoners

The Commissioners were concerned not only with reducing the existing prison population and with keeping offenders out of prison but also, following in the footsteps of William Brebner, with providing support for prisoners after they were released and legally no longer their responsibility.

It is by seeking to organise more after-care and guardianship of prisoners that we should perhaps aim at further development. At present this cannot be done officially, but a good deal might be done unofficially if the various churches and discharged prisoners' aid societies could organise bands of workers who would make a point of befriending without patronising discharged prisoners committed to their care. In time this might develop into more official guardianship such as we have already for inebriates discharged on licence.

(Annual Report of the Commissioners, 1910, p 9)

Within two years the Commissioners had taken their efforts a step further by appointing an agent whose job it was to find employment for released convicts. In 1919 the Secretary of State instructed the Commissioners "to enquire into and report upon the workings of the Probation Acts in Scotland and to endeavour to promote the wise employment of this method of dealing with offenders". The outcome of this inquiry was the establishment of the semi-official Scottish

Central Association for the Probation and Supervision of Juvenile and Other Offenders of which the Secretary of State himself was to be president. The Association received an annual grant from the Treasury out of which it was entitled to make grants in aid of the payment of probation officers as well as providing assistance to discharged convicts and borstal licence holders. This body remained in existence until 1930 when its functions were taken over by the Scottish Juvenile Welfare and After-Care Office and the salaries of its two paid employees were taken out of the Prisons Vote.

The whole thrust of this field of activity of the Prison Commission can be summed up as plea for a closer relationship among the various elements in the criminal justice process.

The remedy appears to lie in a much closer co-ordination between the various Courts and departments responsible for the administration of justice in the country, and a wider spread of information as to the different methods of treating offenders and criminals.

(Annual Report of the Commissioners, 1913, p 15)

This remains a live issue today and it is one to which I shall shortly return.

### 2.3 Management of the Scottish Prison Service since 1929

#### Reorganisation of Offices (Scotland) Acts (1928 and 1939)

I have already described how the centralisation of the Scottish prison system was completed rather than begun by the Act of 1877. The form of management adopted was typical of the period in which ad hoc boards abounded: the Local Government Board, the Board of Commissioners in Lunacy, the Fishery Board, the Board of Agriculture and so on. Gordon Donaldson (1974, p 135) has described how this Scottish tradition had developed.

The general concept lying behind the earlier boards was that administration should be directed by bodies composed partly of specialist and professional members who were usually paid - for example, medical or legal practitioners or individuals with knowledge of fisheries - and partly of eminent laymen representing the public, for example, Lord Provosts or Sheriffs, who were unpaid.

In 1885 the newly-appointed Secretary for Scotland took over parliamentary responsibility for all of these boards, including the Prison Commission, and their independent character grew less obvious. In the early years of this century there was considerable debate about the wisdom of continuing with this arrangement. Donaldson again:

On the one hand, it was agreed that the concentration of so many functions in the hands of the Secretary had the result of increasing the power of the permanent officials, who were not adequately supervised and made to feel their responsibility, through a Minister to the public, so that administration had a more bureaucratic tinge in Scotland than it had in England. It was urged that the boards should be maintained, against the encroachments of the Secretary, because they provided for control by persons with the technical knowledge and experience of public affairs. On the other hand, it was argued that the boards were not responsible to Parliament, that they did not preserve the distinction between persons selected for political offices and for permanent offices and that they were staffed through patronage rather than by the competitive examination now necessary for civil servants. The Royal Commission on the Civil Service, in 1914, condemned the board system. (p 135)

The debate was concluded in favour of the Secretary in 1926 when his post was upgraded to Secretary of State. Consequent to the enactment of the Reorganisation of Offices (Scotland) Act of 1928 the Prison Commissioners ceased to hold office and on 1 April 1929 they were replaced by the Prisons Department which, along with the Departments of Agriculture, Education and Health, came under the control and direction of the Secretary of State for Scotland. Each Department had a Permanent Secretary. Lieutenant Colonel R E W Baird, OBE, until then Governor of Barlinnie Prison, was appointed to the post of Secretary of the Prisons Department. His deputy was John Fulton, who had previously been Chief Clerk in the Commission. When Baird died in 1935 he was succeeded by Lieutenant Colonel W Leith-Ross, MC, who had previously been Inspector of Prisons.

A further Reorganisation of Offices (Scotland) Act was passed in 1939 and on 4 September of that year the Prisons Department was assimilated into the new Scottish Home Department, later to become the Scottish Home and Health Department, where it now remains. Leith-Ross was given the title of Director of Prison and Borstal Services. The final absorption of the management of the Scottish prison system into the mainstream civil service came in 1950 when K M Hancock, a career civil servant, was appointed Director on the retirement of Leith-Ross. This has remained the arrangement since that date. The present Director is in the administrative grade Middle Executive Directing Band, which is slightly below Under Secretary. He reports to the Secretary of the Scottish Home and Health Department.

Commenting on the effects of centralisation in England and Wales the Webbs (1922, p 235) had this to say:

We are struck, first, by the loss of publicity which the transfer of the administration from local to central government has involved. Since 1878 the prison has become "a silent world" shrouded, so far as the public is concerned, in almost complete darkness. This is due, in the first place, to the policy, to which every well ordered administration is prone, of "No admittance except on business".

The Webbs go on to argue that the secretiveness, the attempt to stifle public scrutiny and reluctance to engage in open discussion is a result, not of the nature of the prison service, but rather of the fact that it is directly administered by central government. It would be incorrect to apply such a criticism to the Scottish prison system during the period of office of the Commissioners. There was public debate and scrutiny and, particularly in their annual reports, the Commissioners were prepared to raise matters in the wider criminal justice arena which affected the administration of prisons. The three longest serving Chairmen, Bell, McHardy and Polwarth, did not take an insular view of their responsibilities. From the content of much of the comment in reports it seems likely that the two ex officio members of the Commission, the Crown Agent and the Sheriff Principal of Perthshire, brought a breadth of legal experience to discussions. Following the abolition of the Commission, however, the



emphasis quite clearly changed. Reports were much drier documents, being restricted largely to factual narration of detail, padded out with a generous allowance of statistical returns. Comments on more general criminal justice matters disappeared. Direct central government involvement laid down the boundaries for the inward-looking prison administration which the May Report was to criticise 50 years later.

### Education and Welfare

Laying aside staffing and related matters, to which I shall refer in detail at a later stage, one should note the manner in which educational provision for prisoners developed over this period. This began first in the Borstal setting before expanding into adult establishments. Initially teaching was undertaken by officers who came in their free time to pass on whatever skills they possessed.

The Department are of the opinion that this measure of association, by reducing the monotony of prison routine, exercises a wholesome effect on the prisoners and gives them a fresh interest, and their thanks are particularly due to those officers who devoted their own time to the supervision of the exercise of these privileges.

(Report of the Prisons Department, 1932, p 15)

By 1938 there were two full-time school masters at Polmont and one officer/teacher. Local authority teachers gave classes at Barlinnie, Edinburgh and Greenock Prisons. The expansion of educational provision was halted by the war but the Report by the Scottish Advisory Council on the Treatment and Rehabilitation of Offenders noted in 1949 that it was back on course (paragraph 37). The Prisons Report for 1953 commented that local education authorities provided evening classes in all long-term establishments (page 15). In that year the financial arrangement whereby local authorities were reimbursed the pro rata cost of teachers' salaries, which remains today, was introduced. 1973 saw the appointment of the first full-time education officer at an adult establishment, Edinburgh Prison.

I have already described how the After-Care Office came to be established. It became common for the staff involved to visit future clients during the course of their sentences and the need for welfare staff working exclusively within establishments came to be recognised.

The expansion of the prison welfare service forecast in paragraph 173 of last year's report took place in the autumn, when arrangements were made to cover the requirements of every Scottish prison. A second full-time officer was assigned for duty at Barlinnie Prison and a full-time officer at Edinburgh Prison: visits were made to the other prisons regularly or as occasion required. Governors reported that relief from anxiety about family and other problems, some of long standing, rendered prisoners amenable to prison discipline and training. This relief and the details supplied by welfare officers as to prisoners' circumstances and requirements also helped officers responsible for after-care on release in their efforts to secure a lasting rehabilitation.

(Prisons in Scotland Report for 1961, paragraph 187)

In 1965 the responsibility for after-care was taken over by the probation service. The separate prison welfare system continued in existence and expanded until 1972. In that year a working party recommended that responsibility for the welfare of prisoners should be taken over by the local authority social work departments in keeping with the principle of generic social work. This change duly took place in November 1973. Local authority social workers continue to be employed in penal establishments and the cost of providing this service is borne by the Scottish Home and Health Department.

These developments have proved to be a mixed blessing for the prison service. On the one hand the creation of social work and education "units", staffed by persons who are in the system but not of it, has served to underline the dichotomy of "care versus control" and to suggest that the former can only be undertaken by "professionals" from outwith the service. At the same time, as I shall later discuss, prison officers have become increasingly concerned as they have witnessed their role being continually restricted, worried that the introduction of "caring" staff would leave them with only a control function.

In this context it is interesting to note that 51.8% of the respondents to my survey mentioned "a wish to help others" as an important

reason for becoming a prison officer. 90.2% considered a willingness to talk to prisoners to be an important aspect of their work. 56.8% considered the controlling and the caring aspects of their work to be complementary. This is consonant with the argument which I shall make later that these two elements expressed as goals of the prison system are compatible provided the former is seen to be primary and the latter secondary.

#### Security: The Mountbatten Report (1966)

In the early 1960s a series of spectacular escapes from English prisons occurred. J E Thomas (1972, p 210) has argued that these escapes were merely the culmination of the general confusion which existed among prison staff at all levels as to the primary aim of the service, a confusion which had its roots in the Gladstone Report of 1895. Be that as it may, the final straw was the escape of George Blake from Wormwood Scrubs on 22 October 1966. Two days after this incident a committee of inquiry into prison security was set up under the chairmanship of Lord Mountbatten. The Mountbatten Report was published in December 1966. It was a remarkably precise document which addressed itself directly to its terms of reference.

The Mountbatten Report provided a single-minded and straight-forward analysis of an essentially simple logistic problem based on direct experience of the situation which existed. It presented clearly documented evidence about the matters under review and produced unambiguous and uncompromising answers at a practical level.

(King and Elliot, 1977, p 17)

J E Thomas (1972) has suggested that the recommendations in the Report involve a return, in matters of detail as well as of principle, to the pre-Gladstone prison service. It is undoubtedly true that the English Prison Service has become more directly concerned with its security obligations over the last 20 years than it was in the years preceding Mountbatten.

The Inquiry was conducted almost entirely in England and was concerned with the English service. The Committee members made

only a short visit to Inverness Prison to look at arrangements in the unit there. The Scottish Office did, however, consider which of the recommendations might be taken up in Scotland (17). It concluded that the number of prisoners requiring the super-secure conditions envisaged for Mountbatten's Vectis prison would not justify a separate Scottish establishment although the Home Office was advised that Scotland might wish to take up six places in the proposed new prison on the Isle of Wight. In the event this recommendation was unacceptable to the Home Office and, in the traditional government manner, it set up the Radzinowicz Committee which duly produced the acceptable answer of dispersal of long term prisoners. The staffing recommendations of Mountbatten will be dealt with later in this thesis. As regards security the Report recommended that greater emphasis should be laid on security in training and that there should be a new specialist course for staff undertaking special security duties. It also suggested the appointment of special security officers in each closed prison and recommended that a manual of security guidance should be prepared. These recommendations were all implemented by the Home Office, as was the appointment of a Chief Superintendent from the Metropolitan Police as Security Adviser in Prison Headquarters. They were, however, given short shrift by the Scottish Office which decided that the appointment of a separate security officer would lead to a confusion of responsibility with the Chief Officer in a Prison, particularly with regard to supervision of security duties undertaken by basic grade staff.

In these circumstances we would not favour a specialist course on security in Scotland and we consider that the emphasis already given to security and training syllabuses is adequate.  
(17)

On the matter of the appointment of an Inspector General, who would be seen as the professional head of the service, the Scottish Office showed a certain smugness, taking the view that this recommendation had been influenced by the fact that the post of Inspector had been resurrected in Scotland in 1964 after a gap of some years.

In a sense this may be something on which we in Scotland are already ahead of England. We have had an Inspector of Prisons for the last two or three years, and it may be that the

Mountbatten Enquiry learnt something from this. We shall be continuing with our Inspectorate, but we should certainly welcome visits by the "Supremo", who may also learn from Scottish experience as well as teaching something. We will welcome his presence, but we shall maintain our own Inspectorate system. (18)

Despite these expressed reservations on the part of the Scottish Office at the time, the Mountbatten Report did much in Scotland as well as in England to concentrate the minds of those responsible for the prison services on their primary task, that of security. Those actually working in prisons had never lost sight of that task.

The officials, in short, know on which side their bread is buttered. Their continued employment is tied up with the successful performance of custody and if society is not sure of the priority to be attached to the tasks assigned to prison, the overriding importance of custody is perfectly clear to the officials. (Sykes, 1958, p 18)

The overriding importance of custody may have been perfectly clear to those working in prisons, although Mountbatten questioned whether this was so in all cases in England. It had been lost sight of by senior administrators and the extent to which the legislators subscribed to the social welfare model of imprisonment was underlined in the parliamentary debate by a future Lord Chancellor of England.

A point of criticism of the (Mountbatten) Report is that the prison service has not yet been properly slotted into the need for Social Work generally. Prison Warders may be said largely to be a service apart. Perhaps they will always be. However, there ought - and this is a general problem of social policy with which the Rt Hon Gentlemen and his colleagues must concern themselves - to be a larger organisation of social workers in the community with a closer liaison between the Prison Service and other forms of social work which may be allied to it. Probation Officers are an obvious example. There should also be a breaking down of the isolation which exists between the Prison Service and other forms of social work; the provision of adequate training courses on which they will meet other social workers, and so on. (19)

The continued reference to the prison service and "other forms of social work" showed that opinion at least in England had almost ceased to relate the prison system to the criminal justice process. This was not true to such a degree in Scotland where the criminal justice orientation left by the Prison Commissioners still carried some

weight. These are examples of the confusion between primary and secondary goals which I shall analyse in the following chapter.

### The May Report (1979)

The last departmental report to be taken account of in this period, apart from those related directly to pay and conditions of staff which will be dealt with later, is that of the Committee of Inquiry into the United Kingdom Prison Services, the May Report of 1979. The prison system in England came under considerable pressure in the 1970s, a pressure which related to increasing inmate numbers, to increasing staff militancy and to demands for increased inmate rights. One newspaper report summarised the decade in this way:

Proclamations that there is a crisis in British prisons have been at fever pitch for the whole of the past decade. In 1970 the Howard League said that prisons were "faced with a crisis". In 1973 the Prison Officers' Association (POA) headlined a magazine editorial "Crisis Point". In 1976 the "Times" headlined three special features "Crisis in Prisons". In March 1977 the House of Commons, debating penal policy, rang to the word "Crisis".

("Observer", 4 November 1979)

The feature of greatest concern to those working within the system was the deteriorating state of industrial relations. This found a particular expression in England and Wales in a long-running dispute between the Home Office and the Prison Officers' Association about payment of one special allowance, the continuous duty credit. In the absence of agreement the POA threatened widespread industrial action in England and Wales from 5 November 1978. It should be noted that Scotland was not at all involved in this particular dispute. On 27 October 1978 the English Governors' Committee sent an open letter to the Home Secretary which began,

Total breakdown is imminent in the prison system. Prison Governors believe that it is our duty to publicly warn Ministers of the gravity of the situation we face. There is little time left.

The letter went on to argue that the root of the problem was an outdated and unworkable industrial relations structure, exacerbated by a "deplorable lack of leadership from the Home Office".

We consider that the present chaotic situation demands a rigorous public enquiry into industrial relations within the Prison Service.

The Home Secretary responded to this letter with a speed and in a manner which privately surprised even the English Governors. On 6 November 1978 staff representatives were called to the Home Office and advised that a Committee of Inquiry would be set up and draft terms of reference were discussed. On 8 November officials in the Scottish Home and Health Department, clearly taken unawares by the speedy turn of events, called a similar meeting in Edinburgh. The initial reaction of the POA was hostile since their main demand was for a settlement of the immediate pay dispute rather than a wide-ranging review of the system. They insisted that the Inquiry should be in two parts and that matters relating to pay should be dealt with in the first phase.

On 17 November 1978 the Home Secretary announced the terms of reference of the proposed Inquiry.

My Rt Hon Friends, the Secretaries of State for Scotland and Northern Ireland, and I have appointed Mr Justice May as Chairman of the Committee of Inquiry into the United Kingdom Prison Services with the following terms of reference.

To enquire into the state of the prison services in the United Kingdom; and having regard to:

- a. the size and nature of the population, and the capacity of the prison services to accommodate it;
- b. the responsibilities of the prison services for the security, control and treatment of inmates;
- c. the need to recruit and retain a sufficient and suitable staff for the prison services;
- d. the need to secure the efficient use of manpower and financial resources in the prison services;

To examine and make recommendations upon:

- i. the adequacy, availability, management and use of resources in the prison services;
- ii. conditions for staff in the prison services and their families;
- iii. the organisation and management of the prison services;
- iv. the structure of the prison services, including complementing and gradings;
- v. the remuneration and conditions of service of prison officers, governors and other grades working only in the prison services, including the claim put forward by the POA for certain "continuous duty credit" payments, and the date from which any such payment should be made;
- vi. allowances and other aspects of the conditions of service of other grades arising from special features of work in the prison services;
- vii. working arrangements in the prison services, including shift systems and standby and on-call requirements;
- viii. the effectiveness of the industrial relations machinery, including departmental Whitley procedures, within the prison services.

In establishing a Committee with such far-reaching terms of reference the Secretaries of State were making inevitable the dissatisfaction which was voiced when the Committee eventually reported. The original impetus for an inquiry had been a problem on a detailed matter of pay for prison officers in England which had been extended by Governors into a plea for an inquiry into industrial relations. This was recognised by the opening sentence of the final Report.

This Inquiry was set up on 17 November 1978 after a long period of deteriorating industrial relations especially in England and Wales. (para 1.1)

No doubt remembering the speed with which Mountbatten had reported Merlyn Rees, the Home Secretary, asked the Committee to report by the end of March 1979. In this hope the Committee, whose full membership was announced on 28 November 1978, asked that all written evidence be submitted by Christmas. This target was impossible to meet and, as the evidence began to accumulate, the Committee realised that its whole time-scale was impracticable. If it was to attempt any proper assessment of the prison system it would



require a longer period for deliberation. Rees accepted this fact and announced in February that the Committee hoped to report by Summer 1979. As far as prison staff were concerned the major issue for the inquiry remained that of pay and the Committee was pressed to produce an interim report dealing with this topic. The Committee resisted this pressure, arguing that it was impossible to separate the issue of pay from all the other issues.

The Report was finally published on 31 October 1979. In its conclusions it drew attention to the problems caused by overcrowding. It recommended that alternative disposals be sought, particularly for petty offenders, but concluded that for the foreseeable future a substantial prison population was likely. As far as Scotland was concerned the problem was one of uneven distribution of inmate population. The Committee found that, whereas the total excess of population over places was 1%, 30% of inmates were in shared cells.

In a chapter on Objectives and Regimes the Report acknowledged that the first objective of imprisonment is secure custody but insisted that it should also have a constructive aspect. It accepted that "the rhetoric of treatment and training" had had its day. The humane containment and justice models were, argued the Report, unacceptable in that their emphasis was too negative. Its solution was what it described as "positive custody". The objectives of the prison service should be stated in the following manner.

The purpose of the detention of convicted prisoners shall be to keep them in custody which is both secure and positive, and to that end the behaviour of all the responsible authorities and staff towards them shall be such as to:

- a. create an environment which can assist them to respond and contribute to society as positively as possible;
- b. preserve and promote their self-respect;
- c. minimise, to the degree of security necessary in each particular case, the harmful effects of their removal from normal life;
- d. prepare them for and assist them on discharge.

(paragraph 4.26)

The dismissal by the Committee of the justice model and of humane containment, as proposed in evidence by King and Morgan, is based on a failure to understand the principles on which these models are founded. It is quite wrong to suggest that Morris' "facilitated change" in place of "coerced cure" (1974, p 27) implies that staff must work in a moral vacuum. The Committee confirmed its failure to understand these models by describing them as a means without an end which would result in making prisons into human warehouses for both inmates and staff. One might just as easily make the same criticism of the failure to apply properly the principles of the rehabilitative model in the existing penal process. It is difficult to avoid the conclusion that May wished to change merely the rhetoric of treatment and training without changing the under-lying philosophies. The Report states as much in paragraph 4.27:

...we intend that the rhetoric alone should be changed and not all the admirable and constructive things that are done in its name.

This is old wine in new bottles.

The extensive chapter of the Report dealing with the organisation of the prison system refers almost exclusively to England and Wales. The Scottish organisation is dismissed in a phrase,

we have received no evidence suggesting a present need for further changes, nor have we ourselves observed any such need. (para 5.2)

This conclusion is surprising in view of the evidence from the SPOA which detailed the need for "radical changes in the structure of the Prison Services" and from the Scottish Governors which argued that much of the unrest within the service was due to the existing organisational structure. There is circumstantial evidence of continuing staff dissatisfaction with the present structure in Scotland in the responses to a question in my survey about how the service is organised. While only 4.9% of respondents mentioned the responsibility of the Secretary of State and 16% that of the Director a remarkably high 44% expressed critical comment, describing the

organisation of the service variously as "a shambles", "chaotic", "a disaster".

On the question of inspection the Report accepted that it would be impossible to have an independent inspector in the strict sense of that word since reports would have to be submitted to the Secretary of State, who was at the same time the individual with constitutional responsibility for managing the prison service. What was recommended was an Inspectorate which would be distanced from the prison service itself, headed by a Chief Inspector who should be either an individual independent of the civil service entirely or a senior ex-Governor. The Secretary of State for Scotland took the first option, both in 1981 when he appointed a past Chairman of the Parole Board for Scotland in the face of strong protests from Prison Governors and in 1985 when he appointed a retired engineer. This was a return to the form of inspection which existed before the 1877 Act although it has to be said that the calibre of report published to date by the modern Inspector is far inferior to that of his predecessors. In this section of the Report the Committee took the opportunity to point out that the legal position of those Prison Visiting Committees appointed by local authorities had not been regularised after the changes brought about by the Local Government (Scotland) Act 1973, a fact which the Report took to be a reflection of the lack of importance attached to Visiting Committees.

200 In the matter of physical resources the May Report made 2 specific references to Scotland. It expressed surprise at the remarkable degree of structural neglect at Peterhead Prison and recommended that there should be substantial redevelopment on the same site. It also referred to the new prison at Shotts, originally planned to hold 1000 prisoners but at the time holding no more than 60, as "a truncated monster" and recommended that it should be expanded. The Report further took the view that the application of the European and United Nations Standard Minimum Rules should mean the abolition of enforced cell-sharing and the provision of toilet facilities in all cells.

The remaining chapters of the Report deal with the roles and training of staff, pay and industrial relations and these will be discussed separately when I come to deal with staff matters.

The May Committee had argued that its recommendations should be accepted as a package but the response of the government was less than whole-hearted. "The Scotsman" editorial on 1 November 1979 was not surprised.

This traditional public indifference to what goes on inside prisons (except when prisoners are alleged to be pampered) no doubt helps to explain why Mr Whitelaw, while he jumped into immediate acceptance of the pay recommendations by the Inquiry, was much more cautious about the prison-building and prison-reform programmes that were simultaneously recommended.

The response made by the Scottish Home and Health Department was first to set up a May Report Unit which consisted of two administrative class civil servants. In late 1980 several internal working groups were set up to consider various aspects of the Report such as Objectives and Regimes, Organisation and Management, Physical Resources, Staff Roles, Training, Industrial Relations, Staff Mobility, Transfers and Promotions. The remit of all these working groups was to report to the Prison Service Management Group. The majority of them did so by mid-1982. In some instances the reports have disappeared without trace, in others the Prison Service Management Group has written to the Trade Union Side of the Whitley Council indicating which elements of each report are acceptable. The report on Staff Training has been referred to the Whitley Council Sub-Committee on Training.

It would be incorrect to paint a totally negative picture of the outcome of the May Report. There were organisational changes in the Home Office. Distanced Inspectorates were introduced in Scotland and in England, although one might question whether the Scots one at least is operating in the manner envisaged by May. However, it is hard to avoid the conclusion that May's main achievement was to settle the original problem which was one of pay for prison officers. (Within 12 months of the publication of the report Governors had negotiated a separate pay settlement with Treasury.) In dealing with

the separate and much more fundamental issue of the objective of the prison service within a criminal justice context the May Committee failed to shed any new light. The majority of issues which it did attempt to suggest required further investigation were dealt with, in the Scottish context, in the time-honoured civil service fashion of setting up a further set of committees which sat until the original issue had been forgotten and whose eventual reports were quietly filed.

Since the final act of centralisation of the prison system in 1877 there have been major inquiries, largely to do with pay and conditions of staff, every quarter century or so. The first two of these, Gladstone in England in 1895 and Elgin in Scotland in 1900, took a more fundamental look at the system. Stanhope in 1923 was concerned with pay and conditions and was generally considered to be unsatisfactory. Wynn Parry in 1958 was also concerned with pay and conditions and was generally seen as having been successful. History is likely to view May as also having been primarily concerned with pay rather than wider issues; one suspects that it will be linked more with Stanhope than with Wynn Parry.

#### 2.4 The Present Organisational Management

The use of historical analysis as a methodological tool provides a major source of understanding how prison policies, regimes and practices have developed (Dobash, 1979). Such an analysis suggests that the administration of prisons has not developed in a reasoned evolutionary manner but rather in a series of fits and starts, of turning back on itself and of response to crisis.

In the first place, rather than emphasise the "inevitability" of the last 100 years or so of "prison reform", it seems to me important in 1974 to recognise that they were very largely (though not entirely) a mistake, a blind alley into which the British Government wandered as much through short-sighted financial and political expediency as through any considered penal philosophy. (McLachlan, 1974, p 4)

Few commentators have shown any interest in the development of Scottish prison administration, either contemporaneously or in an historical context. I have shown that the establishment of a Scottish

Prison Commission was a logical conclusion to the process of centralisation which had begun 40 years earlier. The Commission itself represented, in the Scottish tradition, a combination of legal experience and public interest. The former in particular, not least through the two ex officio members, served to place the prison system firmly within the criminal justice process. The abolition of the Commission in 1929 was not a logical step, it was one of McLachlan's "blind alleys". The subsequent absorption of the Prisons Department into the Scottish Home Department was thoroughly understandable in administrative terms but quite illogical in terms of penological development. These two administrative changes were achieved with very little public or parliamentary comment.

This was not the case when the Prison Commission for England and Wales was abolished. The proposed abolition had been shelved at the outbreak of the Second World War but was quietly resurrected in a section tucked away in the Criminal Justice Act 1961. The proposal attracted fierce opposition in the House of Commons, in the press and in other informed circles. The Government stood alone in supporting the proposal, enthusiastically backed up by their officials. The scale of the problems which have faced the English prison system over the last 20 years has caused many people to look back with nostalgia to the good old days of the Commission, forgetting that it too came in for more than its share of criticism. Nonetheless, much of the present argument has been measured. The difference in emphasis was summed up by a retired prison governor.

Once the Service became an integral part of the Home Office there was always a feeling that everyone was looking over his shoulder, anxious about big brother in the background. (Miller, 1976, p 185)

This uncertainty, it has been argued, was in the first instance deliberately fostered by the officials in Whitehall who objected to the autonomy of the prison service and sought successfully to bring it within the control of traditional bureaucracy.

The confusion and loss of morale which have helped to bring the Prison Service to the brink of disaster were predicted as long ago as 1963 by opponents of Whitehall's successful attempts,

made then and subsequently, to gain greater bureaucratic power over the prison system.... The growth of bureaucracy followed moves by Whitehall Mandarins and Ministers, introduced with some deviousness against fierce criticism in and out of Parliament. Their purpose was the absorption of the old Prison Commission, set up in 1877 to be responsible for prisons, within the control of the Home Secretary. (Evans, 1980, p 110)

The purpose of the exercise was not so much to bring prisons within the control of the Home Secretary, who had always held parliamentary responsibility for them, but rather within the control of the Home Office itself, to make the prison service part of the mainstream civil service.

It would be wrong to argue that the organisational problems which have plagued the Home Office Prison Department since 1963 have existed to a similar degree in Scotland. That they have not done so is mainly a result of the comparatively small size of the Scottish service which precludes the anonymity which has at times existed in England. Nevertheless, the prison service is unique in that it is the only large institution in our society, apart from the Armed Forces, which is directly under the control of central government. All others including education, health and the police, have a combination of local management and central oversight. Leaving aside the question of whether this is a good arrangement or not, this means that the management role of the five divisions within the Scottish Home and Health Department now known as Prisons Group is significantly different to that of other divisions in the Department. Until 1982 the headquarters of the Scottish Prison Service was technically merely a division within the Scottish Home and Health Department. Its head, although given the title of Director of the Scottish Prison Service and graded at Middle Executive Directing Band, slightly above Assistant Secretary reported as does any other Head of Division in the Scottish Office to an Under Secretary, who in turn reported to the Secretary of the Scottish Home and Health Department. In management terms the responsibility of the then Prisons Division was considered to be little different to that of, say, Police Division which monitors but does not manage the work of police in Scotland. This was despite the fact that the Director of the Scottish Prison Service has day-to-day responsibility for in excess of 5000 inmates, of 3000 staff in

20 establishments, of some 150 headquarters' staff and of an annual budget of some £60 million. Since 1982 the Director has reported immediately to the Secretary of the Scottish Home and Health Department, like himself a permanent official, and now has five full-blown divisions within his Group.

The central control of any large institution has several results. One of the most common of these is the tightening of communication flow. In England the Webbs (1922, p 235) traced this development back to the Act of 1877.

We are struck, first, by the loss of publicity which the transfer of the administration from local to central government has involved. Since 1878 the prison has become "a silent world" shrouded, so far as the public is concerned, in almost complete darkness. This is due, in the first place, to the policy, to which every well-ordered institution is prone, of "No admittance except on business".

This loss of publicity did not occur in Scotland under the Commission, largely, I have argued, because of the composition of the Commission itself. It did certainly occur once re-organisation took place in 1929. The Webbs are correct in pointing out that this secretiveness is a feature of direct central government control rather than of the prison system itself. The best example of this is probably the role which inspectors have been called on to undertake under successive forms of management, and in this respect one has to note the failings of the Scottish Prison Commission. Prior to 1877 the form of inspection and annual reporting carried out by inspectors such as Hill and Kincaid contributed significantly to the development of penal policy and practice. Their comments, both critical and constructive, were made public, as the Webbs noted.

However scathingly the Inspectors criticised the prison governor, or the prison administration generally, the Home Office of 1835-1877 did not find that it was destructive of discipline or inimical to good administration to issue these reports to the world. (p 239)

This changed after 1878 when the Inspectors became "Assistants" to the Commissioners and by 1900 the Inspector's position had become so debased that the Elgin Committee recommended that the post be



abolished. The opposite view was taken in 1979 by the May Committee, which recommended the establishment of an Inspectorate "distanced" from the prison service. This Inspectorate was set up in Scotland at the beginning of 1981. There was a great outcry from prison governors that the person appointed to fill the post had no experience of working within the service. This argument deflected attention from a much more fundamental flaw in the arrangements. May had recommended "a system of inspection of the Prison Service" (paragraph 5.61). But what was set up was a system of inspection of prisons. The new Inspector was given no authority to inspect either the organisation of prisons' headquarters or the way in which policy decisions were made within the Scottish Home and Health Department. Furthermore, he reported to the Secretary of State, not directly, but through the Secretary of the Scottish Home and Health Department who in policy terms might be adjudged to be more in charge of the prison service than the Director. So, on these two counts, the distancing and the extent of inspection recommended by May were quietly misinterpreted by the officials in St Andrew's House in a manner which removed any danger that the spotlight of publicity might be turned on them.

The last 30 years have witnessed a more dangerous feature of extended centralisation and growing bureaucratic power, that of the increased power of the executive over the sentenced offender. This power has been taken at the expense of the judiciary to the extent that ~~it can be~~ described as one of the major features of 20th century penal history in this country.

Garland (1983, p 143) lays some of the blame for this extended Statism at the feet of a criminology which has extended the power of prison administrators, forensic scientists and psychiatrists into what was previously an exclusively judicial domain and which has sought to effect a shift of power away from the judiciary and towards a non-legal executive staff. Justice is a delicate flower; justice for those in prison is the most delicate flower of all. One of the basic criteria for justice is that it should not be arbitrary, that it should be based on premises which are open to scrutiny. We face a real

danger that many of the processes in our penal system are not open to that scrutiny. In the case of parole the Parole Board for Scotland argues that the very fact that the justice meted out is executive rather than legal implies that it should not be open to scrutiny.

The spectre of executive justice on the other hand, casts deep shadows across the light of freedom under the law. When decisions are made in committee rooms even the minutes do not necessarily tell the story of what has happened. The delegation of powers by Ministers must inevitably enhance the labyrinthine processes of bureaucracy that are imperfectly understood, not least by those whose interests and liberties may be at stake. (Morris, 1976, p 128)

Jacobs (1983, p 22) has suggested that the trend towards increasing bureaucracy and professionalism in prisons in both Great Britain and the United States has been strong since at least the 1950s. I have suggested that the trend towards increasing bureaucracy in the central administration considerably pre-dates that period. With increasing centralism came growing control from the centre. Duffee (1975) suggests that there will be inevitable conflict between local and central management since the main concern of the former will be with day-to-day management and individual prisoners while the former will be more interested in organisational development.

Central Office personnel will probably view institution managers as short-sighted and crisis-oriented, since they are "over-interested" in the fate of individuals..... Institutional managers are likely to perceive the Central Office as naive meddlers, unfamiliar with institutional problems and continually forcing on institutions programs or activities that seem only tangentially related to treatment and custody concerns. (p 99)

One suggested reason for this different approach is that institutional managers are likely to be people who have risen through the ranks rather than professional managers and that their behaviour is therefore more likely to relate to previous experience rather than management as such. The growth of a centralised bureaucracy requires central administrators who are responsible for policy. Traditionally they will be graded in a strict hierarchy with clearly assigned duties and responsibilities (Schrag, 1961, p 139). There will be a formality which will symbolise the various pecking orders. There will be specific procedural devices which are intended to foster

objectivity and are specifically meant to restrain the "quick passage of impulse into action" (Merton, 1957, p 195). The bureaucrat's official life stretches out in front of him as a graded career and he is tacitly expected to adapt his professional work to the prospect of this career. Inevitably this will lead the central organisation to an over-concern with adherence to rules and regulations. In a word, the great symbolic importance of the means leads to a situation in which they become more important than the end. Nowhere is this more likely than in the organisation of the prison system.

There are two main reasons for this (Carter, 1972, p 443). In the first place ambivalence and conflict as to the value of particular theories have produced prison systems which are inadvertently designed to resist change. Secondly, management in the prison system, as I shall discuss in the next chapter, is an end in itself rather than a means to an end. The most junior prison officer can rightly be described as a manager in his dealings with prisoners, despite his status with senior management, and the latter will do well to remember this. The difficulty which the prison service faces in this respect is what Mintzberg (1979, p 183) describes as "centralisation of decision making in the face of cognitive limitations". Senior management whose duty is to take an overview and to concern itself with broad strategies prefers to concentrate on decisions which should be delegated. There can be several reasons for this; it may be that management does not trust its subordinates to do the job, it may be that it genuinely believes that it can take wiser decisions even in minor matters than its subordinates, or it may be that immersion in the fine print of decision-making is thought to absolve senior management from the need to concern itself with wider policy matters. The May Report noted this tendency in the senior ranks of prison administration and commented that:

Management has become pre-occupied with fighting the daily tactical battle. We hope that the general effect of what we recommend will lift some of that load and allow management to resume more creative roles. (paragraph 5.88)

This had been recognised in 1978 in Scotland in the Prisons Division Management Review Report.

Among the short-comings we have noted in the recent management of Prisons Divisions is an undue, though natural, pre-occupation with the short-term problem and the ad hoc solution. (paragraph 8.1)

What I have suggested here is that this involvement in detail to the detriment of wider concerns is not merely a failure of the present management structure but rather what I shall describe in the next chapter as an inherent feature of the machine bureaucracy. A great deal of the energy of top management goes into maintaining the structure of the organisation, into fine-tuning the bureaucratic machine. The daily running of the prison system requires the precise and consistent performance of an integrated set of simple repetitive tasks. Strategic diagnosis is simply not a part of the repertoire of standard operating procedures. This pre-occupation with immediate problems and short-term solutions is not peculiar to the Scottish prison administration. In the United States a Task Force of the President's Commission on Law Enforcement and Administration of Justice reported in 1967. One of its conclusions was:

The most conspicuous problems in corrections today are lack of knowledge and an unsystematic approach to the development of programs and techniques. Changes in correctional treatment have been guided primarily by what Wright calls "intuitive opportunism", a kind of goal-orientated guessing.

If the range of alternatives for solving correctional problems were narrow, well-organised, and familiar, the best approach might be this intuitive and pragmatic one. But this is not the case. Failure to attempt really systematic research and evaluation of various operational programs has led to repetitive error. Even more, it has made it impossible to pin-point the reasons for success when successes did occur. (p 13)

A fundamental weakness of a system based on "goal-orientated guessing" is that it is likely to lead not only to "repetitive error" but also to injustice. A combination of low visibility and high discretion, as David Fogel (1975) has noted, will eventually lead to corruption; not necessarily material corruption, but the more insidious corruption of power.

It is evident that correctional administrators have for too long operated with practical immunity in the back-washes of administrative law. They have been unmindful that the processes of justice more strictly observed by the visible police

and courts in relation to rights due to the accused before and through adjudication must not stop when the convicted person is sentenced. The justice perspective demands accountability from all processors even the "pure of heart". Properly understood, the justice perspective is not so much concerned with the administration of justice as it is with the justice of administration. (p 192)

In other words, argues Fogel, the basic feature of the justice model of imprisonment is that it requires the administration to treat prisoners with justice. A system of administration which allows prisoners to be treated unfairly cannot be justified by a process of moralising. But a system which has justice and fairness "as its bottom line" is far removed from the traditional Scottish system of pragmatic prison administration. It is in this context that one can interpret the statement of a senior administrator that the justice model is "burdensome on staff and headquarters and very time-consuming" (20).

The optimum system of organisation for the prison service remains open to debate. It is generally accepted that the present arrangement of total absorption into a larger central government department is far from ideal. I have already indicated that the basic grade prison officer is a manager in his own right. His management does not consist of making policy decisions nor of dealing with grand strategy. It consists of controlling the daily life of a sizeable group of other human beings. The control may sometimes be positive but it is frequently negative; it involves limiting the freedom of other people in a very direct and observable way. The prison officer on the gallery is continually asked by those whom he manages why he is exercising his control in a specific manner. It is satisfying to neither the prisoner nor the prison officer if the response is that some civil servant somewhere has for some reason decided that it should be so. In England and Wales dissatisfaction with the present organisation often takes the form of nostalgia for the days of the Prison Commission. Whether a return to the Commission is feasible or not is in a way unimportant; what is important is to recognise the roots from which this nostalgia springs.

The May Committee took the view that a resurrection of the Prison Commission is not desirable. Although this must remain questionable it is vital to acknowledge what it was about the Commission which prison staff seem to miss, namely the ability to associate decision and action with personality: to know precisely who is making a decision which affects people. (Thomas, 1980, p 138)

In the Scottish service Prisons Group is known officially as "headquarters". But in strategic planning terms there is a further official administrative tier above "headquarters", the Secretariat of the Scottish Home and Health Department. This is a structure which is not easily comprehended by prison staff, by prisoners, by the public and perhaps most important of all in organisational terms by many of those who work in Prisons Group. If the resurrection of the Scottish Prison Commission is inappropriate, and this case has never been fully argued, it would lead to greater organisational efficiency if the prison service were to be constituted as a separate government department, reporting directly to a political head. This is the model which is use in many other countries. The number of staff employed in the prison service would justify such an operation. However, that fact may be precisely the greatest obstacle to such a development ever taking place. Just as commentators have suggested that the strongest arguments for subsuming the English Prison Service into the Home Office came from the ranks of the officials in the latter Department, so the strongest arguments against taking the Scottish Prison Service out of the Scottish Home and Health Department, let alone out of the Scottish Office, are likely to come from the Department itself. There are approximately 10,000 civil servants in the Scottish Office; 3000 of these are members of the prison service. No manager likes to lose a substantial part of his business.

It should be born in mind that the civil servants who work in Prison Service Headquarters are not members of the prison service. They are generalist administrators, many of whom spend a few years in "Prisons" on their way from "Education" before going on to "Agriculture". In other words, they have no life-time career commitment to the decisions which they make concerning the prison service. There is a danger that such a bureaucracy will feed off itself, that it will create a raison d'etre of its own, divorced from the

sub-structure which it was set up to serve. The prison service exists because there are prisoners; prisoners are held in prisons by prison staff. These are the only essential elements in the system. All other elements, including the headquarters' structure, are useful but have no separate right of existence. The Report of the Advisory Committee on the Management of Correctional Institutions in Canada, which was published in November 1984, recognised that fact.

The Institution is the most important organizational component of Correctional Services. All components of National Headquarters and Regional Headquarters must be, and be seen to be, in existence to serve the Institution. (p 18)

Given the tendency of the administrative machine to deal with short-term solutions to immediate problems the organisational style which has developed in Scotland has been one of control. Establishments come under the scrutiny of a "distanced" Inspectorate, so headquarters has responded by setting up its own "operational assessment" of establishments, a kind of pre-emptive strike force. Headquarters has set up a system of staff inspection, so the trade unions have set up a watchdog staff inspection committee. A great round of "quis custodiet?" has developed and the system spends so much time in reactive response that there is no opportunity for pro-active planning. This reactive style of management is an understandable method of coping with the learning curve which is bound to exist with a changing headquarters' staff who have little or no initial knowledge of the three basic elements of the system, prisoners, prisons and prison staff.

An essential feature of the present form of central machine bureaucracy in the prison service is that it encourages the principles of management and discourages notions of leadership. Its method of achieving a controlled style of management in the 1980s is by a system of "accountable regimes" and of "financial management initiative". I have already suggested that in England the wish to rein in any tendency to charismatic leadership was behind the move to abolish the Prison Commission. The lack of identifiable leadership was recognised in the Mountbatten Report which attempted to reverse this bureaucratic trend by recommending the appointment of an

Inspector General who would be the recognisable professional head of the service. The fate of this recommendation has been described by Thomas (1980, p 138) as "the most instructive episode in recent British history". The attempt to provide a leader for the service failed precisely because the first and only individual appointed to the post attempted to take on just such a role. The bureaucratic machine was inevitably able to neutralise him and he resigned from office before completing his second two year term. (21)

Leadership and management are not by definition exclusive of each other; nor is the absence of leadership inherent in the nature of a bureaucratic system. Leadership can be used to describe an attribute of personality, it can be seen as characteristic of a particular position or it can be an attribute of behaviour. In the latter context Katz and Kahn (1966, p 574) define it as "any act of influence on a matter of organizational relevance". Such a definition will include routine acts of supervision. Essentially, however, it has to do with that influence which goes beyond routine and makes use of elements of power beyond those which are organisationally decreed. Organisational powers include reward, punishment and legitimate authority. Leadership powers are either referent, that is to say, dependant on an attachment between leader and follower, or expert in that they depend on the knowledge and ability of the leader. Some commentators, such as Selznick, view executive leadership as the key function of management necessary for making critical as opposed to routine decisions, decisions which constitute commitments which shape the essential character of an organisation. Such managerial leadership will defend the integrity of an organisation in the face of development and will maintain order and control in the event of internal conflict. It is common, however, for power in a machine bureaucracy, and, I argue, in one such as the Scottish prison administration, to be restricted to a formal, institutionalised or legitimated level. This use of power is restricted to the formal structure of the organisation and it is to be distinguished from the exercise of leadership. Selznick (1948, p 22) goes on to suggest that legitimate authority cannot be divorced from the dynamics of



persuasion in an efficient management structure. The leadership inherent in efficient management is a form of education.

In short, it is recognised that control and consent cannot be divorced even within formally authoritarian structures.

The notion that leadership and the authority of legitimate management are at the same time distinct yet inter-related is of particular interest, suggest Peabody and Rourke (1965), in examining the personal traits and backgrounds of public servants and observing the exercise of authority and leadership in public bureaucratic settings. The expression of leadership as well as legitimate authority is necessary in the efficient management of penal establishments. No prison governor can be effective in either control or direction unless he can inspire his staff to respond in a manner which is more than routine and beyond what is organisationally decreed (22).

The problem arises when governors and staff look for a similar form of leadership in the central organisation. This part of the service is staffed by generalist civil servants of the administrative class. The ethos in which these individuals have been trained is one which does not relate primarily to the management of people. They have been schooled, one might argue, in the antithesis of leadership, in the need to be anonymous, to have no public face. The fundamental role of the administrative civil servant is to serve and to protect his Minister. In the daily round middle-ranking civil servants will achieve this by ensuring that the Minister is not embarrassed either by his own deeds and statements or, more importantly, by external criticism and pressure. The craft of the administrator is to distinguish between pressures which are transitory and which can therefore be safely ignored and those which are likely to be continuous and which therefore have to be dealt with either by concession or by compromise. I shall shortly argue that one of the most consistent sources of pressure and consequently one of the most important influences on the development of the service has been the staff. The senior administrators who form the Prison Service Management Group bring this tradition of management with them from previous experience. Their point of reference continues to be

upwards to senior officials and Ministers rather than the leadership which is expected of them by those whom they are called on to manage. The fact that this is so, but that at the same time that it need not be so, is confirmed when on occasion a senior administrator emerges who breaks the mould, who does provide recognisable leadership and who in consequence attracts a support from prison staff far in excess of what he might expect on the basis of his legitimate authority alone.

In her history of the Home Office between 1848 and 1914 Pellew (1982, p 63) refers to a feature of its management which is as relevant to other government departments, including the Scottish Prison Service, today.

One characteristic in particular strikes the historian of the late 19th century Home Office: its frequent inability to bring about desirable change - in prison administration, factory inspection, the management of statistics - without the impetus of public criticism. Was this due to its hard-pressed, sometimes incompetent officials at the upper division level? Was it an inherent aspect of a naturally conservative department? Or was it an inevitable feature of bureaucracy?

The answer is, certainly in today's terms, that it is none of these. It is a feature of the form of central government administration which we have in this country, a form of administration which operates on the basis of responding to pressure. I shall later discuss how pressure from staff has led to significant change. Other examples of external pressure recently have been the changes in channels of communication and of complaint allowed to prisoners which have been brought about by pressure from the European Commission on Human Rights, changes in internal disciplinary procedures which have resulted from judicial appeal and the reduction in England of the period for parole eligibility which was introduced as a means of reducing pressure on over-crowded accommodation; it was not introduced in Scotland where there was at the time no equivalent pressure.

I have already suggested that one means of removing the present weakness in the management structure of the Scottish Prison Service

and of reinforcing the principle of leadership would be the formation of a separate prison department in which the recognisable administrative head would report directly to a political master. This, however, would only be a first step. No organisation is total; each has a point of reference to a larger institution. Each organisation, according to Parsons (1956, p 33), can always be defined as a sub-system of a more comprehensive social system.

These considerations yield a further important criterion of an organisation. An organisation is a system which, as the attainment of its goal, "produces" an identifiable something which can be utilised in some way by another system; that is, the output of the organisation is, for some other system, an input.

The primary link between an organisation and the larger system of which it is a part is the manner in which the specified goal of the first organisation is a differentiated part or sub-system of the larger system.

Parsons draws two conclusions from this premise. First, if the organisation is integrated into the larger system and not a deviant part of it its value system must imply basic acceptance of the more generalised values of the larger system. Second, the most essential feature of this value system of the organisation is the extent to which it has a legitimate place or role in the larger system. What the Reorganisation of Offices (Scotland) Act 1928 and subsequent administrative change attempted to do was to relate the organisation of the Scottish Prison Service to the larger system of the administrative civil service. This was in keeping with two other related developments. One was the spectre of executive justice which *has been* described as 'one of the major features of 20th Century penal history'. The second was the extension of the use of imprisonment from a purely penal model to a therapeutic and social welfare model. The root of many of the present difficulties in the management of the Scottish prison system lies in this false location of the organisation of the prison service in an incorrect super-ordinate system. The prison service is a technically deviant rather than an integrated part of the mainstream civil service. Before 1877 and under direct central government control until 1929 the Scottish system had been located

firmly within the criminal justice process. The prison service is primarily the servant of the court and its goals are part of the wider goals of the super-ordinate criminal justice system; the former are an integrated part of the latter. Despite the administrative arrangement since 1929 the prison service remains part, not of the administrative civil service, but of the criminal justice system. Prison affairs are part of the political process and cannot be divorced from the theory of the State. As McClintock (1980) has pointed out, they can only be considered in the context of the criminal justice system as a whole. This is not a peculiarly Scottish phenomenon. In 1969 the Report of the Canadian Committee on Corrections listed what it considered to be basic principles and purposes of criminal justice. It considered one of these to be that the "law enforcement, judicial and correctional processes should form an inter-related sequence". (p 16)

This principle was confirmed by the 1984 Carson Report referred to previously which indicated that in addition to providing leadership to the service the Commissioner of Corrections had an important responsibility for articulating and communicating "corporate correctional policy as it relates to the overall Criminal Justice system" (p 32). Following the Ouimet Report of 1969 the Correctional Service of Canada has been made responsible for all convicted offenders whether serving their sentences in an institution or in the community. The Commissioner reports to his political head, the Solicitor General. In other countries the chief executive of the prison service reports commonly to a Minister of Justice. The possibility of such a development in Great Britain has been raised from time to time. In the parliamentary debate following the publication of the Mountbatten Report one speaker advocated:

The structure of the Service must be considered much more carefully than Lord Mountbatten had time to do. I am not sure that in the long-term the aim should not be an inter-related Service - I do not say integrated - through the whole field of what the United States call corrections - in other words, breaking down to a degree the present water-tight compartments between Prison Officers, Probation Officers, Parole Officers and the kindred services. These bodies will have to be extended and expanded. Why should not Prison Officers be eligible to transfer to these services more freely? This would widen the scope of promotion, encourage men of quality who have an

inclination for the public service and prevent the institutionalisation of Prison Officers. I hope that thought will be given to that matter. (23)

This was precisely the arrangement which Ouimet recommended two years later for Canada and which was subsequently implemented. The matter of coordination between the prison services and other related departments was frequently raised in the late 1960s. The Chairman of the Prison Officers' Association addressing the Association's annual conference in 1968 had this to say:

The ideal would be a Department of Correction, in which all the present differing sections of the public service which are nowadays concerned with the problems of social criminal behaviour could be embodied and co-ordinated in one cohesive department, with free and complete interchangeability to all. Probation, imprisonment, parole, after-care; all are facets of the same problem and all should be dealt with by a comprehensive correctional service, in which Prison Officers should certainly have an important role to play. Such a service will surely come into effect some day, just as surely as tomorrow's sun will rise; but it will not be in my day and perhaps not in yours either.

(Reported in the Prison Officers' Magazine, July 1968, p 219)

Nor was this a newly-perceived problem. The Scottish Prison Commissioners, a recognised part of the criminal justice system, had pleaded in their Annual Report for the year 1912 (p 15) for "a much closer coordination between the various Courts and Departments responsible for the administration of justice in the country".

To sum up, the problems which face the Scottish prison system today do not relate primarily to shortage of resources or external pressure. Equally, the solution to the problem does not lie in increased resources or in a reduction of public scrutiny. The basic problem is primarily organisational. The solution lies in returning the prison system to a penal model and placing this, not within the mainstream civil service as is the case at the moment, but within the criminal justice system as was the case before 1929. The opportunity might well be taken at the same time of bringing the various community forms of sentencing under the same umbrella not, as some of those quoted above have suggested, in a social or welfare model but within the same penal model. Community sentences, like custodial sentences,

should be recognised as primarily punitive. One method of achieving this would be to bring all the elements of the system together under some form of judicial control. Such a system would also have to be answerable to parliament. One possible option, which might satisfy both requirements, would be to place final accountability in the hands of the Lord Advocate.

## NOTES

1. Letter dated 14 July 1841 from W R Deverell to the Committee on the General Prison, contained in the Minute Books of the General Board of Directors, 1839-1860. SRO, HH6/2
2. Letter dated 7 January 1842 from W R Deverell to the Committee on the General Prison, contained in the Minute Books of the General Board of Directors, 1839-1860. SRO, HH6/2
3. Letter dated 3 August 1842 from the Secretary of the General Board to W R Deverell, contained in the Minute Books of the General Board of Directors, 1839-1860. SRO HH6/2
4. Letter dated 27 September 1842 from the Secretary of the General Board to W R Deverell, contained in the Minute Books of the General Board of directors, 1839-1860. SRO HH6/2
5. Confer, for example, "The Eclectic Review", November 1838, pp 568-590
6. Report to the General Board of Directors dated 19 September 1844 from Crawford and Jebb, contained in the Minute Books of the General Board of Directors, 1839-1860. SRO, HH6/5

7. Letter dated 12 November 1844 from the General Board of Directors to the Secretary of State, contained in the Minute Books of the General Board of Directors, 1839-1860. SRO, HH6/5
8. Letter from Treasury dated 21 January 1878. SRO, HH57/28
9. Correspondence between Dr Burton and Captain Powell, September 1878. SRO, HH8/7
10. Letter from Duke of Richmond and Gordon to Lord Advocate dated 8 October 1885. SRO, HH57/30A
11. Minutes of a General Meeting of the Prison Commissioners for Scotland, 5 November 1909. SRO, HH57/30A
12. Memorandum on proposed arrangements under The Prisons Scotland Act 1877 from J H Burton, 2 November 1877. SRO, HH8/5
13. Memorandum from the Home Office to the Prison Commissioners dated 9 August 1884. SRO, HH57/1
14. Correspondence between the Home Office, Du Cane and Beatson Bell dated April 1885. SRO, HH57/1
15. Memorandum from Du Cane to the Home Office, 15 May 1885. SRO, HH57/1
16. Statement by Scottish Prison Commissioners containing remarks on the Recommendations of the Departmental Committee on English Prisons so far as they may be considered applicable to Scots Prisons, April 1896. SRO, HH57/76
17. Scottish application of the Mountbatten recommendations (1967). SHHD file, G/STG/48/1
18. The Under Secretary of State for Scotland, Hansard, Vol 741, No 145, Col.899, 16 February 1967

19. Quintin Hogg, Hansard, Vol 741, No 145, Col.842, 16 February 1967

20. Deputy Director (Administration), Scottish Prison Service, addressing the Church of Scotland Prison Chaplains' Conference at Crieff, 18 September 1985.

21. There was confirmation of the continuing anonymity of (English) prison service senior management in a recent television quiz game in which three prison officer contestants were asked to name their Director General. None of them could do so.

22. Arguably a governor requires to have this form of leadership over prisoners as well, but that is not my immediate concern at this point.

23. W F Deedes, Hansard, Vol 741, No 145, Col.861, 16 February 1967



### 3. THE PLACE OF THE PRISON SYSTEM WITHIN THE SOCIOLOGY OF BUREAUCRATIC ORGANISATIONS

#### 3.1 Introduction

In the previous chapter I explored the organisational development of the Scottish Prison Service within a historical context. This form of historical analysis is an important tool in helping to understand the prison system as it now operates. I was able to show that the system has not developed along a well-ordered evolving continuum but that it has been subject to a series of pressures which have led to a disordered development. Precise historical analysis is of particular help in an evaluation of the use of the penal sanction.

As Foucault and others have proved, history, as one of the human sciences, has a discrete but important role to play in combating carceral power and the coercive structures of thought that underpin it. It can explicate the genesis of structures of scientific arguments about human nature and deviance and can establish the connections between this structure and the imperative to class rule. Above all, it can help to pierce through the rhetoric that ceaselessly presents the further consolidation of carceral power as a "reform". As much as anything else, it is this suffocating vision of the past that legitimises the abuses of the present and seeks to adjust us to the cruelties of the future. (Ignatieff, 1978, p220).

I argued that, if one is to talk of a "failure" of the penal system, one should do so not in the context of inadequate resources but rather of structural weakness in the system. In this chapter I propose to examine the structure and goals of the prison system. I wish to do so within a particular and relatively limited context, that of the sociology of bureaucratic organisations.

There already exists an important body of literature dealing with the place of the prison within society as a whole (Foucault, 1977; Scull, 1977; Ignatieff, 1978; Cohen, 1983). Two important additions to the literature appeared too late to influence directly the development of this thesis (Cohen, 1985; Garland, 1985). The general thread of development traced by all of these authors is one of increasing centralised control and punishment of people who are defined as criminal or delinquent and the emergence of the prison as the

dominant instrument of punishment, an instrument which is a potent expression of the power of one group in society over another. The arguments presented in this literature are central to a proper understanding of the development of the use of imprisonment in society.

The area of concern in this thesis is more limited in scope, or rather more precise in focus. It does not deal with the prison as an expression of power within society. Instead it concentrates on the prison system as a bureaucratic organisation on the grounds that its development as a system can be analysed within the context of the sociology of organisations. This line of study is particularly useful if one can identify the goals of the prison system, both as they are formally stated and as they are practised.

The study of the development of the organisation of the prison system is as possible and as proper as is the study of any large organisation. The prison system is unique among our national public organisations in that it is subject entirely to the control of central government (Blom-Cooper, 1978, p 66). Other such bodies, including schools, hospitals and police forces, are subject to varying measures of local control and interest (Thomas, 1980, p 135). The centralisation of the prison system in Britain was completed rather than begun by the Prisons Acts of 1877 (Ignatieff, 1978, p 205). McConville (1981, p 278) commented on "the compactness and intimacy of the world of prison staff and administrators" in the first part of the 19th century. This combination of absence of local control and insularity of administration has been reinforced over the years so that, when considering the matter of pay and allowances, the Committee of Inquiry into the United Kingdom Prison Services (May Report, 1979, p 8.3) felt it necessary to draw attention to the fact that it had "found members of the Service (including Governors) a somewhat inward-looking group".

This attitude had in fact been reinforced by a previous Departmental Inquiry which had described the prison service as being "sui generis" (Wynn Parry, 1958, p 7). It is not uncommon for members of large

organisations to consider their position to be unique but this description by Wynn Parry was taken to be an official confirmation of this view of the prison service from an objective source.

These two elements, total control and a keen sense of uniqueness, resulted in the notion that the prison system could not benefit from a comparative understanding of other large organisations since the foundation of the prison system was quite different from that of any other institution. Whereas all other organisations had to compete for economic resources or to maintain the loyalty of those within them, this was not true of the prison system with which no other organisation was in direct competition. On the one hand the prison system did not have to reach competitive standards as a profit making organisation and on the other hand it did not require to seek the sympathy and good-will of those who funded it as most non-profit making organisations must do. True, the prison system requires to operate within legal limits but the legal requirements, as with other large state institutions, set a minimum standard and not an optimum. This led to an assumption within the system that it was proper that it should be "relatively independent of the intensive public scrutiny of success standards that often govern the existence of other institutions" (Grosser, 1960, p 131). Such an assumption was not discouraged by central government which was ultimately responsible for the administration of the prison system and which therefore arguably had most to gain from absence of public scrutiny.

To these inhibiting factors one must add the traditional reluctance described by Blau and Scott (1966) of those within any well-established organisation to lay themselves open to unnecessary examination. Such a reluctance serves to confirm the power which well-established organisations are able to use to protect what they consider to be their best interests.

Our social scientists may reasonably complain that while the lives of the less fortunate and less "efficient" members of society are regarded as appropriate matters for them to explore, the objectives, methods and social ties of those who wield the power are not. The student of British society who entertains such possibilities will find that at best he is invited to admire the

cupboard but never to open the door. For it is a simple fact that organisation generates power (this after all is its major purpose); and it is difficult to convince men with power of the necessity for scientific investigation of their behaviour. This is all the more true of a society as respectful as ours is of the established order, to which, as a rule, any organisation surviving early hazards can claim admission; secure in its membership it may well feel entitled to be screened from the prickly gaze of sociologists. (p 10)

However, as I shall explain below there is little justification for this sui generis view of prison organisation. I shall describe how each bureaucratic organisation requires a special class of administrators who draw up its policy and of executives who put this into practice as well as a hierarchical system which rewards its members according to their various responsibilities. The notion of the prison existing as an island in isolation from civilian norms and values is inaccurate (Schrag, 1961, p 316). McCleery (1961, pp 149 and 184) suggested that there is little space for a special theory of penal administration as such. If the prison has a unique aspect this lies in the opportunity which it provides to researchers for an examination of the common-place characteristics of social order within a system which is relatively self-contained although somewhat atrophied in respect of the deprivation suffered by many of its members.

One of the difficulties of research in any large organisation is what Mintzberg (1979) describes as "research from a distance", that is, research which considers an organisation at one static point, which examines the attitudes of personnel only at the moment of interview.

None of this research has been able to come to grips with the complex flows that take place in organizations. Once we have a conceptual framework we can extract some information from this research. But it should be noted that this research is of little use in generating such a framework in the first place. (p 12)

The present piece of work is neither research from a distance nor does it lack a conceptual framework. It is not research from a distance because the writer is part of the organisation which is being researched and analysis makes use of previous and continuing knowledge of the dynamic organisation. This also applies to the consideration of files and records which have been consulted. The research does have a conceptual framework as was explained in the

Introduction and this framework provides the basis for what is contained in this thesis.

### 3.2 The Prison Service as a Bureaucratic Organisation

Prisons have an abiding fascination, largely because they are outside the acquaintance of the majority of people, unlike other large institutions such as schools and hospitals. The prison as an institution has been the subject of a considerable amount of research by academics who have understood that, despite its aura of secrecy, the prison has much in common with similar structures. The majority of this research has been undertaken in America. The first study of this kind in Britain was undertaken by Terence and Pauline Morris in Pentonville. They clearly understood the comparative nature of their work.

The maximum security prison, like the mental hospital, has been thrown into relief as a challenging area for the study of organisational problems, particularly with respect to the communication of new ideas about treatment. Data from such studies are likely to prove comparable with those derived from the studies of other organisational structures such as the office, the industrial plant and the military unit. (1963, p 1)

There have been several subsequent studies in England, including Emery (1970), Cohen and Taylor (1972), Bottoms and McClintock (1973), King and Elliott (1977).

For my purposes these works are deficient in two respects. In the first place they concentrate on the inmates of the institution either as an autonomous group or as individuals and do not focus on the staff as a group in their own right. This neglect is not peculiar to English studies.

For generations, criminologists have entered the prison world to study the backgrounds, personalities, attitudes, values and criminal careers of the inmates..... The prison guard, however has rarely been the subject of scholarly research. A student

interested in the social origins of the guards, their work, and their ideology is hard-pressed to find even cursory data. (Jacobs, 1983, p 133)

In addition, these studies examine the prison as an institution rather than as one element in an organisational structure. Pentonville, Bristol, Durham and Albany Prisons and Dover Borstal are examined in isolation or, at most, with reference to other comparable institutions rather than in the context of the prison system as an organisational structure. This method of approach is not unique to prison studies. One useful point of comparison for the prison system, particularly as far as staff are concerned, is the police. There also a microcosmic method of research has predominated (Jones 1980).

The secrecy surrounding the prison system, which is often encouraged by those within the system and accepted by the public at large, comes not least from the notion of the prison as "a self-sufficient social island" (Korn and McCorkle, 1967) or as a "total institution" (Goffman, 1957). It is suggested that because the prison duplicates many of the essential services which are available in the wider community its own isolation from that community is confirmed. The picture which Goffman painted in 1957 might arguably have been valid then; it certainly does not describe the prison of today.

First, all aspects of life are conducted in the same place and under the same single authority. Second, each phase of the member's daily activity will be carried out in the immediate company of a large batch of others, all of whom are treated alike and require to do the same thing together. Third, all phases of the day's activities are tightly scheduled, with one activity leading at a pre-arranged time into the next, the whole circle of activities being imposed from above through a system of explicit formal rulings and a body of officials. Finally, the contents of the various enforced activities are brought together as part of a single overall rational plan purportedly designed to fulfil the official aims of the institution. (1957, p 314)

Some would suggest that although the prison's isolation has been modified in recent years the self-sufficiency still remains. In fact, the myriad links between the wider society and the prison system, individual prisons and prisoners serve to insure that no establishment functions in total isolation. Even if we were to accept the model of

the total institution we would be able to compare the prison with other similar institutions, with mental hospitals, with old people's homes, with boarding schools (Smith, 1979). My assertion is that we can go much further than that, we can view not only the prison but indeed the prison service as a typical large bureaucratic organisation.

My point of focus will be the staff. I shall describe how the bureaucracy is most obvious in this crucial section of the prison system.

Bureaucratic mobilisation of human and material resources, as Weber saw it, calls for the employment of a special class of administrators, who are responsible for the policies of the organization. It also calls for a hierarchical arrangement of staff positions in order to provide clear and consistent lines of communication and authority. In addition, bureaucracy demands a finely graded system of member rewards based on assigned duties and responsibilities. (Schrag, 1961, p 319)

In a hierarchical structure like the prison service rank and position are important determining factors of one's status and evaluation. In the wider context of society work is equally a labelling factor and I shall examine society's evaluation of the role of the prison officer and equally the officer's own perception of his role.

Where should one place the prison system within the spectrum of models of bureaucratic organisations? It clearly encompasses the elements which Etzioni describes as being characteristic of organisations.

- i. Divisions of labour, power and communication responsibilities, divisions which are not random or traditionally patterned, but deliberately planned to enhance the realisation of the specific goals;
- ii. The presence of one or more power centres which control the concerted efforts of the organization and direct them towards its goals; these power centres also must review continuously the organization's performance and re-pattern its structure, where necessary, to increase its efficiency;
- iii. Substitution of personnel, ie, unsatisfactory persons can be removed and others assigned their tasks. The organization can also re-combine its personnel through transfer and promotion. (1964, p 3)

The arguments which are often used in an attempt to demonstrate that the prison service is unique and not similar to other bureaucratic organisations are precisely those which in fact prove that it is bureaucratic; there are clear divisions of labour within the system, each of which is aimed at achieving the primary aim of the system, which is secure custody in one form or another; it has a strongly hierarchical structure; each member of staff is subject to a particular form of disciplinary control. There is one other bureaucratic feature which is particularly important in the prison service, that of institutionalised authority. There is much to be said about the nature of leadership which is given by senior staff, notably governors. Some would argue that for a variety of reasons such leadership is a thing of the past. However, informal leadership is to be distinguished from the notion of leadership as an organisational function (Peabody and Rourke, 1965). The former, personal leadership comes and goes and is more or less noticeable according to the people involved whereas authority, which is confined to relationships taking place within the hierarchical structure, is of prime importance in the prison setting and does not depend on the personality of the individual who exercises the authority. This is different by degree from Weber's triple description of authority as based on:

1. Rational grounds - resting on a belief in the "legality" of patterns of normative rules and the right of those elevated to authority under such rules to issue commands (legal authority);
2. Traditional grounds - resting on an established belief in the sanctity of immemorial traditions and the legitimacy of the status of those exercising authority under them (traditional authority); or finally
3. Charismatic grounds - resting on devotion to the specific and exceptional sanctity, heroism or exemplary character of an individual person, and of the normative patterns or order revealed or ordained by him (charismatic authority). (1947, p 300)

It seems to me that these three are not mutually exclusive. While the authority of the governor and of other senior staff within the prison system is exercised only by virtue of the formal legality of their instructions and only within the scope of authority of the office,



nonetheless, the staff may in individual instances perceive an element of charismatic leadership and obey by virtue of personal trust. This latter feature is seen by many as an integral element in the running of the prison system and there is undoubtedly great personal loyalty from many members of staff. However, this does not detract from the "legal authority". Weber's view was that the organising principles of the latter maximise rational decision-making and administrative efficiency, making bureaucracy the most efficient form of administrative organisation,

because experts with much experience are best qualified to make technically correct decisions, and because disciplined performance governed by abstract rules and co-ordinated by the authority hierarchy fosters a rational and consistent pursuit of organisational objectives. (Blau and Scott, 1966, p 33)

This may well be the case in principle. In practice the most efficient prison governor is likely to be the man who combines his legal authority with a certain element of charismatic authority.

In other words, I am predicating a dynamic model of organisation. Wolin (1960) suggests that there are two distinct schools of thought concerning the nature of organisational life. There is the dynamic model to which I am referring which considers an organisation to be a complex and changing response to a particular historical environment. Selznick considers this organic model to include three major characteristics.

1. The concept of organizations as co-operative systems, adaptive social structures, made up of interacting individuals, sub-groups and informal plus formal relationships;
2. Structural-functional analysis, which relates variable aspects of organization (such as goals) to stable needs and self-defensive mechanisms;
3. The concept of recalcitrance as a quality of the tools of social action, involving a break in the continuum of adjustment and defining an environment of constraint, commitment and tension. (1948, p 31)

I shall later discuss the importance of goal definition in the prison system.

Another alternative to the goal model approach in evaluating an organisation is that of the System model which consists of a comparative analysis, what Etzioni calls "a statement about relationships which must exist for an organization to operate" (1964, p 17). The System model focuses on needs, which are properties of the organisation itself, rather than on goals which are properties of individuals or groups.

The first such model, which became known as the Classical Theory of Administration, is otherwise known as Scientific Management. Workers motivated by economic rewards have a clear division of labour and work within a distinct hierarchy of authority; the formal organisation is all-important. According to Clegg and Dunkerley this model appeared because it solved a basic problem for capitalism, that of control of the workforce. There was a deliberate attempt at "de-humanising" and "de-skilling".

At its base, scientific management is concerned with the question of organisational/managerial control. This is demonstrated most clearly in the way in which the production process is so tightly controlled that the possibility of employee discretion is almost non-existent. (1980, p 96)

The doctrine of F W Taylor, the father of this model, has become the orthodox doctrine of technical control in modern large corporations. Clearly I shall have to examine the importance of such a doctrine in an organisation which is as tightly and hierarchically controlled as the prison system.

The Human Relations school came to prominence almost as a reaction to Scientific Management by emphasising the emotional, unplanned, and non-rational elements in organisational behaviour. It pointed out the importance of leadership and of communication; of the informal rather than the formal organisation. The existence of this model within the prison system has to be considered in terms of what I have already indicated may be the importance of charismatic leadership and also of the close relationships amongst staff whose social contact extends far beyond the boundaries of the prison.

The two previous concepts of formal and informal organisation converged in the Structuralist model of organisational theory. This integrated approach used comparative analysis and was able to move beyond the types favoured by the two earlier models, such as factories and public administration, to a broader base.

In contrasting the three models it would be fair to say that Scientific Management recognised no conflict between man and organisation. It assumed that what was good for management was good for the workers. The Human Relations model suggested that workers may have many needs other than purely economic ones and that attention to social and cultural needs could benefit both the workers and the organisation. The Structuralist school, in the view of Selznick to which I referred above, considered that some conflict and strain between man and organisation is inevitable and may on occasion be desirable.

Another perspective on the theory of organisation to which I shall refer in my examination of the prison system is that which Silverman (1970) describes as the Action frame of reference. This system commences with an examination of particular actors and proceeds to consideration of the system of expectations which is established as these actors pursue their ends within the organisation. At what Silverman calls the "micro" level the Action perspective examines the definitions which actors hold of their situations. Rather than considering action in terms of a purely mechanistic reaction to one's place in the organisation it evaluates this action in terms of the actor's prior expectations and historical experience of previous interactions. At the "macro" level this system goes beyond functionalism, which is concerned with relating the parts to the whole. It does not predicate that the assumed system needs of adaptation or survival govern the reaction of members. What actually occurs in a situation will be the outcome of the relative capacity of different actors to impose their definition of the situation upon others, rather than of a mechanistic relationship between one organisation's needs and the problems which confront the system.

Silverman argues that there are six inter-related sequences on the path to Action analysis of an organisation.

1. The nature of the role-system and the pattern of inter-action that has been built up in the organisation, in particular the way in which it has historically developed and the extent to which it represents the shared values of all or some or none of the actors.
2. The nature of involvement of ideal/typical actors and the characteristic hierarchy of ends which they pursue (work satisfaction, material rewards, security). The way in which these derive from their biographies outside the organisations (job history, family commitments, social background) and from their experience of the organisation itself.
3. The actors' present definitions of their situation within the organisation and their expectations of the likely behaviour of others with particular reference to the strategic resources they perceive to be at their own disposal and at the disposal of others.
4. The typical actions of different actors and the meaning which they attach to their actions.
5. The nature and source of the intended and unintended consequences of action, with special reference to its effects on the involvement of the various actors and on the institutionalisation of expectations in the role-system within which they interact.
6. Changes in the involvement and ends of the actors and in the role-system, and their source both in the outcome of the interaction of the actors and in the changing stock of knowledge outside the organisation. (p 154)

Silverman's view is that it is possible to move from an examination of the micro problem of the action of individual actors to the macro problem of the system of expectations that is established as they pursue their ends. By working from the definitions of the situation held by the actors, the action perspective allows us to make sense of the range of reactions to what are apparently identical situations within different organisations. In a wider sense it also helps us to grasp the relationship between work and non-work. I shall argue later that this is of particular importance as far as work in the prison service is concerned where occupational position plays a major part in establishing the social position of the individual concerned.

When considering organisation in the context of the prison system particular attention has to be paid to the matter of organisational control. Etzioni (1975) suggests that the three major sources of control, whose allocation and manipulation provide much of the basis for social order, are coercion, economic assets and normative values. I have already mentioned the difficulty of defining an organisation in terms of its goals and I shall shortly describe the particular difficulties of doing so for the prison system. Nonetheless, if we accept the possible discrepancy between stated and actual goals, Etzioni postulates that we should link the three types of control with three types of goal: order, economic and cultural goals.

Organizations with order goals attempt to control actors who are deviant in the eyes of some social unit the organization is serving (frequently society) while segregating them from society and by blocking them from further deviant activities. This is a negative goal in the sense that such organizations attempt to prevent the occurrence of certain events rather than producing an objective or a service. Order-centred organizations differ according to the techniques and means they use to obtain their goals. Some merely segregate deviants; others segregate and punish; and still others eliminate deviants all together. But all are predominantly order-orientated. Organizations with economic goals produce commodities and services supplied to outsiders. These include not only the manufacturing industries but also various service organizations, from the post office and insurance companies to movie theaters, Chinese laundries, banks and brokerage firms. Organizations that have culture goals institutionalize conditions needed for the creation and preservation of symbolic objects, their application and the creation or reinforcement of commitments to such objects. (p 104)

A coercive organisation is one in which lower levels of participants in the organisation are controlled by coercive means and in which there is a high degree of alienation from the organisation among these lower participants. The use of coercion ensures that the organisation fulfils its primary objectives. Typical examples of such organisations are concentration camps, prisoner-of-war camps, prisons and state mental hospitals. In these cases the primary objective is containment; should the coercion be removed the majority of inmates would leave. The successful accomplishment of all other tasks depends on the effective performance of the custodial task. As the oft-quoted and archetypal Chief Officer was fond of saying, "We can't reform them if

they're not here." The task which comes a close second in organisational terms is maintaining internal order (Sykes, 1971, p 21). This task is also achieved through the potential or actual use of force. Arguably the organisation which presents the relationship of power with what McCleery (1957) calls "naked clarity" is the prison system. The primary task of the prison staff is to detain, against their will, a much larger body of men. They achieve both this and the secondary task of maintaining internal discipline by organising a detailed regulation of the internal life of the prison. Even in cases where this latter regulation includes a real attempt at reform of the inmate one may accept that this is not the form of life which inmates would choose voluntarily. In his Bristol study Emery (1971) suggests that this form of control, particularly in the manner in which it is imposed on individuals by means of degradations and deprivations creates a "pervading atmosphere of hatred" between staff and prisoners. In research terms Emery might have been entitled to apply this conclusion to the particular prison which he studied, although he does not appear to do so specifically. He does not produce sufficient evidence to make a general observation on the matter, although other commentators (Morris and Morris, 1963 and Sykes, 1971) have made similar comments in studies of individual institutions.

In practice the coercive power is often muted and indirect in its application. There are several reasons for this. Staff cannot supervise all of the inmates all of the time. Total surveillance is not physically possible. In addition the punishments, as well as the rewards, which may be visited on prisoners are severely limited. This means that punitive sanctions on an individual prisoner are frequently one of the least effective forms of sanction. An officer who has to resort to placing a prisoner "on Governor's report", that is, formally charging him with a breach of discipline, may well see this as a failure to exercise proper control on his part. Also, those prisoners who require tightest control are least likely to be overawed by formal punitive action. What happens in fact is that a high level of discipline is maintained, not with direct sanctions, but with a procedure of regimentation, organised movement, counting and

assembly which imposes a psychology of regimentation and a formal recognition of respect for staff from prisoners. In addition, there is good will and cooperation from some inmates who are identified by staff as capable of and willing, however informally, to assist them in maintaining discipline and control. Such prisoners are frequently "pass men" or hall orderlies. It is in the interests of most prisoners as much as of the staff that order be maintained. In quantitative terms the staff would be unable to control the prisoners if they were a disorganised mass. "The custodial goals of peace, order and adjustment" (McCleery, 1957, p 209) are achieved by formal and informal collusion between staff and prisoners.

Some commentators have taken this argument further and attempt to demonstrate that while at first sight the prison may appear to be a classic example of an organisation based upon coercive compliance relations in fact the total power of the staff is an illusion. The power exercised is in practice utilitarian rather than coercive (Smith, 1979, p 76). It is certainly true that the amount of coercion which any organisation may legitimately use is limited. The state monopolises the legitimate use of coercive power and places strict control on its use. In prisons, for example, punishment by segregation is allowed under set conditions, but corporal punishment is not sanctioned (Etzioni, 1965, p 652). The authority must ensure that not only is the consent to be governed obtained but also that it can be maintained. This means that appropriate measures must be available to control those who indicate by their actions that they have withdrawn consent. However, in applying control the authority must not diminish the degree of consent which remains nor alienate those who have not withdrawn their consent. Official sanctions have to be applied with caution and must be seen to be justly and consistently applied (Cressy, 1972, p 439). A failure to exercise this caution can be counter-productive. This was one of the difficulties which faced the Scottish prison administration with regard to the regime in the Inverness Unit in the early 1970s and which continues to be present with regard to regimes in the various units in Peterhead in the 1980s. This form of restriction on the use of coercive power is particularly relevant in regimes which allow association of inmates since in these

situations staff will normally be out-numbered by inmates (Thomas, 1972, p 131). The use of coercion in such a setting is likely to be ineffective and may well prove dangerous. This fact is clearly recognised by the staff who are required to work in such situations. I shall discuss in a later chapter the degree to which the latter have influenced and indeed directed policy in Scotland with regard to the handling of allegedly difficult and dangerous prisoners. Their current position, recognising the problems of exercising coercion where there is prisoner association, is to demand that in extreme cases staff will always outnumber prisoners, on occasion by three to one. In the face of these demands the reaction of central management has been to restrict association of the prisoners concerned. It might be argued that such a response is in itself utilitarian since what the organisation is doing is simply distributing rewards and sanctions according to the degree in which participants conform to the required norms.

What is being suggested is that even in an organisation such as the prison system, which on the surface appears as a prime example of a coercive organisation, informal structure is significant in an analysis of organisational structure.

A proper understanding of the organizational process must make it possible to interpret changes in the formal system - new appointments or roles or reorganizations - in their relation to the informal and unallowed ties of friendship, class loyalty, power cliques, or external commitment. This is what it means "to know the score". (Selznick, 1948, p 23)

Cloward (1963, p 36) has suggested that in a prison setting there are three traditional means by which staff make use of informal patterns of social accommodation in order to supplement formal methods of control. The first is by allowing prisoners to have a controlled use of additional goods and services, the second by allowing certain prisoners to have direct informal access to particular senior members of staff and the third by allowing more privileged accommodation to inmates. Variants of these methods are certainly present in Scottish prisons. Every Chief Officer has his "tobacco" float which is used to reward prisoners who provide information. "Pass men" who assist the



staff either in the halls, in the office area or in the reception and discharge area have a symbiotic relationship with staff.

It would be difficult to argue that the control exercised in a prison system is normative or that all participants in it attempt to reach a common cultural goal. In the high summer of the rehabilitation era some practitioners among the governor grade in Britain might have attempted such an argument but the best that can be said of that system was that it was a paternalistic form of utilitarianism. In today's system even the regime in the Barlinnie Special Unit is generally regarded as a utilitarian form of control although I shall discuss in a later chapter how an attempt was made in its early days to develop a normative form of control. This attempt failed primarily because the management of the prison system was unwilling to allow members of staff to ally themselves with inmates in a manner which brought them into conflict with the system as a whole.

This leads us to the question which is raised by Etzioni (1975). Certain types of goal and certain types of compliance structure tend to be associated with each other. Is one entitled to assume that the relationship is in fact one of functional requirement?

Could we go so far as to say that one cannot rehabilitate in a traditional prison, produce in a religious order, segregate deviance by normative means? The answer seems to be in one sentence: It is feasible but not effective. (p 109)

What I have suggested is that the dividing line between the different forms of control is not an exclusive one. It is true that formal socialisation in a prison setting is likely to be very limited in scope and generally ineffective. But it is also true that much of the control exercised in prison is instrumental and that there is a degree of cooperation between the staff and inmate agents of this instrumental control. The greater this cooperation the less complete will be the segregation of what is described as the inmate social system from the rest of the organisation. Prison officers will never be regarded, nor would they wish to be, by the prisoners as leaders. What may well happen is that in the daily round of activity and

interactive dependancy between the two groups the starkness of the distinction between 'them and us' will become blurred.

The sources of control which I have just described refer primarily to the relationship which the prison organisation has with prisoners, expressed principally in the relationship between the prison officer and the prisoner. Organisations use different types of power according to the different ranks of the participants controlled. Generally speaking, the higher the rank concerned the less alienating the means of control. Just as inmates are controlled by coercive/utilitarian means, so one would expect prison officers to be controlled by utilitarian/normative means. In practice one can identify similarities in the methods used by management to control both the prisoners and the staff. In organisational terms there is a division between the staff who administer the Scottish central prison system and those who administer prison establishments. The latter are career prison employees, the former are generalist administrators. In organisational terms the former are senior to the latter; in terms of knowledge and experience the opposite is the case. This creates an uneasy relationship between these two sections of the organisation. The prison officer is a civil servant and subject to the same organisational controls as all other civil servants. In addition, however, he is subject to a "Code of Discipline" whose ultimate sanction is dismissal. The Code of Discipline is an additional restraint and is seen as such by staff. 44.4% of the respondents to my survey regarded it negatively as a means of enforcing staff discipline. At the same time 88.9% considered it to be necessary. This latter figure may well have reflected the seniority of my respondents, some of whom would have been responsible for enforcing the Code on junior members of staff.

Jacobs (1983, p 139) found that "the line officer is often scrutinised as closely as the inmate under his surveillance". Prison officers may often feel that the organisation is as intent on exercising control over them as in doing so over prisoners. There is a suspicion among them that central administrators make little distinction between staff and

prisoners. As a result of his study in Trenton Prison, New Jersey, Sykes felt able to conclude,

Guards and prisoners are drawn from the same culture and they hold many of the same values and beliefs. They share a common language and a common historical experience. (1971, p 33)

Some officers wonder whether the organisation extends this conclusion to include a value assessment of the two groups. Thomas has suggested that this gap between central and local arms of the organisation extends also to the treatment of governors.

The people making such contemptuous remarks about the Governors are mainly executive grades in the Civil Service. They carry the burden of the paper work in the Service but have little or no practical experience with prisoners, and are in the centre of the delays in communication about which May had so many complaints. Their branches of the Society of Civil and Public Servants constantly try to elevate their status at the expense of the Governor grades and to press, so far unsuccessfully, for promotional transfers to these grades. (1980 p 149)

The basis of this organisational distinction is the location of the prison service within the mainstream administrative civil service. The civil service is primarily a bureaucracy and some comment requires to be made on the implications of this for the prison service. Mintzberg predicates a simple definition. A bureaucratic structure is any one in which "behavior is pre-determined or predictable, in effect, standardized" (1979, p 86). In organisational terms there are two main forms of bureaucracy which are of interest to us in this study, machine and professional.

Machine bureaucracy is typified by a proliferation of rules and regulations, very formalised procedures for undertaking highly routinised tasks, large sized units which depend on functional grouping, centralised decision-making and an elaborate administrative structure. A feature of this type of bureaucracy is that both the functional grouping and the administrative structure are characterised by a sharp division of labour between the line staff and managers. This includes both job differentiation at local (prison) level between line staff (officers) and managers (governors) but also between all

staff at local level and those in the central hierarchy. The division is both vertical and horizontal, functional and hierarchical.

The basic purpose of such tight structure is control. The most important factor is the smooth running of the bureaucratic machine; all uncertainty is eliminated, hence, the all-pervading rules and regulations. Paradoxically, the existence of such a tight structure leads to a need for control since the divisions of labour which permeate the system carry within themselves the seeds of conflict and require to be contained. In such a bureaucracy senior management is primarily concerned with fine-tuning the machine, not necessarily, for example, with resolving conflict but rather with containing it to ensure that work is carried out. The safe functioning of the machine is more important than flair and initiative. When what an organisation requires is the precise and consistent performance of a set of repetitive functions Machine Bureaucracy is the most efficient method of operation. Mintzberg sums up the requirements which such a system makes of senior staff.

The managers of the Machine Bureaucracy are rewarded for improving operating efficiency, reducing costs, finding better controls and standards; not for taking risks, testing new behaviors, encouraging innovation. (1979, p 346)

Such a description is apposite for what is required of the middle ranking civil service administrators who are responsible for the central organisation of the prison service. They have been trained in the mainstream civil service in a stable environment with a carefully coordinated hierarchy. Their sphere of operation is in organising performance rather than in problem-solving. The difficulty which faces them in their present responsibilities is that the prison service, while largely a "performance organisation" is at times also a "problem-solving" one insofar as it is required to deal directly with people, the prisoners, whose response cannot always be predicted and whose actions can wreak havoc on a bureaucratic machine which is too finely tuned.

One might argue as Blau (1955, p 394) does that the kind of specialised training which a civil servant experiences in a life time in

government service provides a "professional orientation" to work. By this he means that the very predictability of the system and of the individual's own career which precludes any hope of spectacular personal advancement encourages an individual to find satisfaction in his work by adopting a "professional" attitude towards it. This is a somewhat tenuous argument which moreover involves a looser use of the word than is normally involved in the term Professional Bureaucracy. A basic feature of this form of bureaucracy is the type of training which is required of staff. Training, the process by which job-related skills and knowledge are acquired, is to be distinguished from indoctrination which is the process by which organisational norms are learned. The initial training given to professionals comes generally from outside the organisation, often in a university, frequently under the auspices of a professional organisation. This is followed by a lengthy period of on-the-job training during which formal knowledge is applied and skills are mastered under supervision. Once this level of training has been completed there is normally some final form of examination before entry to the professional association is granted. If this is what is required to gain entry to a typical professional bureaucracy main stream administrative civil servants cannot be counted among this number. One of the additional features of a professional bureaucracy is that because of the external nature of much of the training the individuals concerned have a certain autonomy from the organisation. Their loyalty is likely to be divided between the organisation in which they work and the professional body of which they are members, perhaps also with the institution in which they received their initial training. This is not the case with most civil servants for whom, as Blau points out, loyalty to the organisation is likely to be encouraged by the fact that the specialised qualifications which they have acquired through years of government service cannot generally speaking be utilised outside that service. Professionals who work in bureaucracies often have to decide whether their primary reference group is to be management or their professional colleagues. Blau and Scott (1966, p 246) suggest that this conflict between bureaucratic and professional orientation is a fundamental issue for such individuals and the organisations which employ them. I shall shortly

indicate that this dilemma presents itself in an immediate manner to members of professions, such as teachers and social workers, who operate within the prison system.

One of the causes of the tensions which exist between career prison officials and those mainstream civil servants who staff the central organisation lies in this area of professionalism. The central administrators regard the prison service as simply another arm of the civil service, whose members have to be frequently reminded of their position. Thomas (1980, p149) has suggested that there is an element of envy in this as some central administrators would like "to elevate their status" by moving into an operational setting. In the previous chapter I described how Evans (1980) and others have suggested that the absorption of the Prison Commission in England into the Home Office was carried out at the insistence of officials for the sole purpose of bringing the prison system within the main stream civil service. Career prison officials, on the other hand, remember Wynn Parry's (1958) description of the prison service as sui generis and welcome Evans' comment that "the Prison Service is not a fief of the Civil Service" (1980, p 137). Is one entitled to suggest that the prison service per se is a professional rather than a machine bureaucracy?

Prison officers do not require to have any prior qualifications. In Scotland after recruitment, which is done by a process of interview, medical examination and testing in basic English and arithmetical skills, and a short period of orientation in a penal establishment the new officer undergoes initial training for six weeks at the Scottish Prison Service College during which time job-related skills and knowledge are imparted. This is followed by a period of some six months' probation in a penal establishment when these skills and knowledge are applied under supervision. The period of training is concluded with a further five days spent at the Prison Service College. During the course of his career an officer might expect to attend short courses at the College at intermittent intervals. He will also undergo further short development courses if he is promoted. There is no formal examination at the conclusion of any part of

training. This is justified on the basis that there is ongoing assessment and that an individual's aptitude for the work is more important than an ability to pass examinations. In practice the failure rate is very low and an officer who is dismissed is likely to have demonstrated unsuitability in a manner other than a simple inability to master the necessary skills and knowledge. Attempts have been made in recent years to increase the standing of the prison officer by developing the role which he is expected to carry out and expanding his area of expertise. There has been no concurrent expansion in the training provided nor any increase in the formal requirement for entry. Indeed recently senior administration has been at pains to emphasise that any agreed development of the role of the officer must be achieved without any increase in resources, training or otherwise. Given the importance attributed to training in the establishment of professionalism it is difficult to argue that a system which can recruit its members without prior qualification, provide them with a total of only seven weeks' formal skill and knowledge training and some six months' on-the-job training can properly be described as professional. One might argue that an increase in the professionalism of the prison officer would be highly desirable; one cannot argue that it is essential.

This appears to have been confirmed by a recent experience in the Correctional Service of Canada. The previous Commissioner had a double aim as far as staff training and development was concerned. He wished to increase the general standard and standing of the correctional officer class and he wished all promotions to be made from within the Service in order to ensure that all senior staff had experience of working at the basic grade. In early 1984 he introduced a de facto policy of recruiting to the correctional officer ranks only individuals with university degrees. Although non-graduates were entitled to apply, they were rarely invited to interview. The Carson Report, published in November 1984, applauded the service for its initiative in trying to upgrade the quality of its workforce but identified three draw-backs in the all-graduate recruitment policy.

We interviewed new university recruits who had sought correctional employment as a last resort and had no intention of making long-term commitments. We met community groups who resented being cut-off from employment opportunity in their local institutions. And we perceived an understandable anxiety among long-term employees who could not meet the implied new standards.

The Report concluded that the change had been introduced with a rapidity which threatened some of the "delicate human balances" in the system. Several senior members of the CSC management team privately expressed concern at the policy of recruiting only graduates which had been introduced at the personal insistence of the Commissioner. In Spring 1985 a new Commissioner was appointed. One of his first acts was to rescind the policy of graduate-only recruitment. Under the guidance of the previous Commissioner, who had held office since 1977, the initial training programme for recruits had been extended to 14 weeks and at the time of his replacement proposals were under consideration to increase this by a further two weeks. Since the appointment of the new Commissioner the length of initial training has been reduced to nine weeks and many other training modules have been significantly shortened. If the recruitment qualifications and the amount of training subsequently offered can be altered so easily and fundamentally by administrative dictate they cannot be described as essential.

The only part of a prison officer's training which can be described as strictly essential is that concerned with what I shall shortly argue to be the primary goal of the prison system, the secure containment of prisoners. The additional qualifications and training introduced in Canada related to the important but nonetheless secondary goals of reform and rehabilitation of prisoners. These are not in themselves essential goals and could therefore be repealed when the management climate changed. In times of fiscal stringency there is no need for management to extend the training of staff beyond that which is required to fulfil the primary function. That is why, as was explained in the previous chapter, the Scottish Prison Officers' Association has had little recent success in pursuing its aim of developing staff training to make the officer, in its term, more



"professional", that is, better able to carry out the secondary aims of imprisonment.

Leaving aside such groups as teachers and social workers who are professionally trained and happen to work in the prison service, the other main group of prison service workers who should be considered in this context are the members of the governor grades. These individuals are recruited into the assistant governor grade. In Scotland approximately half have been promoted from the ranks of the officers and half come from outside the service. No formal qualifications are required. The recruiting literature indicates that a university degree is desirable, but not essential. Since 1973 all recruits have undergone a sandwich course which lasts for two years and consists of periods spent at the Home Office Prison Service College in Wakefield, on secondment to other organisations such as mental hospitals and social work departments and a considerable period of on-the-job training in establishments. In a study of a group of new recruits to the grade in the early 1970s Waddington (1983, p 22) noted that once selection had been completed there was little subsequent wastage.

The Staff College had for some years eschewed any secondary selection function on the grounds that it was unwise to make such a decision without the recruit's performance in the job itself having been assessed.

Like the initial training process for prison officers the training of assistant governors does not include any examinable element. As with the prison officer grade the justification given is that continuous assessment takes place. Waddington found that as far as the organisation was concerned the status of the assistant governor was as important as his role, that in addition to performing particular tasks he had to be a particular type of person, and that the process of socialisation which went on in a group of assistant governors had a profound influence on recruits and was aimed at giving them particular attitudes and values. This view is confirmed by recruiting advertisements which indicate that attitude and temperament is more important than academic qualifications. There have been suggestions in recent years that a recognised external qualification should be

included in the training of assistant governors. This matter has not been pursued. On the contrary, in view of a recent shortage of recruits it has been suggested that training should be shortened with more emphasis given to on-the-job experience.

The important factor in the recruitment and training of prison officers and governors is that the decision-making body is the employing agency. The criteria which it applies throughout the probationary period which it lays down are those which are common to all administrative civil servants and not peculiar to any "professionalism" in the prison service. The conclusion to be drawn is that as far as personnel are concerned the present organisation of the prison service is not to be regarded as professional in the recognised sense of that word. Whether this should be so will be for consideration at a later stage.

A further word should be said about the "socialisation" which takes place during training. This is one form of the indoctrination which takes place in many large organisations but it is of particular significance in the prison system which lays such emphasis on authority structures. Authority is that exercise of control which is based on the willingness of subordinates to comply with the directives of a superior. The fact that this compliance is willingly given does not imply an absence of social constraint. On the contrary, properly oriented social values play a large part in such a relationship. Members of an organisation voluntarily follow the mandates of their own values, which have become internalised and which are enforced through social sanctions (Blau and Scott, 1966, p 143). I have suggested that this process is facilitated in the prison service by the recruitment of people who already have particular attitudes. It was reinforced by the requirement which existed until recently for staff to stay on prison housing estates, socialising with colleagues, becoming what the May Report described as isolated and inward-looking (p 8.2).

The prison service is one of the most visible arms of the civil service. It is, therefore, important to remember, as the Webbs

(1922) suggested, that several of its best known features are not inevitable elements of the prison system but rather a result of its control by central government bureaucracy. One of these is the tendency towards an excessively centralised structure in which senior members of the organisation not only seek power but also to control the decisions which affect not only their own work but also that of others. One outcome of this centralised authority and over-emphasis on reporting through a chain of authority is that senior managers, who should be policy decision-makers, become over burdened with decisions on matter of detail which are passed up the hierarchical chain for resolution. They are, therefore, reduced to acting superficially with inadequate abstract information (Mintzberg, 1979, p 344).

Another feature of this system structure is that in rational terms organisations do not endlessly search for an optimum model of behaviour, for the best possible organisational pattern. They in fact seek a working rather than an optimum model. Search behaviour ends when a "reasonably good" or "acceptable" pattern has been found and this will be maintained until organisational performance falls below that acceptable level (Etzioni, 1964, p 30). The outcome of this model is that, in what Clegg and Dunkerley (1980, p 553) call the non-capitalist state activity sector, which includes the prison system as well as housing, education and health care, this form of technical rationality will inevitably equate with only partial rationality. This is because these goods and services are allocated not solely on the basis of a rational interpretation of rules and regulations but at least partly on the ability of interested sectors of wider society to exert pressure and demand a response. As a result state organisations are characterised by "a reactive avoidance of responsible rational planning in the face of competing contradictory pressure and conflicts".

Excessive centralisation also serves to emphasise hierarchical status to such an extent that this attenuates the effectiveness of the organisation itself and can result in dysfunctions such as lower employee morale and lower levels of productivity. The alternative is

increased de-centralisation. Such an arrangement is likely to lead to a less authoritarian structure, which in turn encourages individuals to play a more active role, to contribute to decision-making and to demonstrate an ability to use initiative responsibly. This, argue Blau and Scott, is a highly functional strategy for both the organisation and the individual. It is Glaser's contention (1964, p 138) that such an arrangement is of fundamental relevance to the prison system. Despite official policies and directives to the contrary, an officer whose duties are ritualised and routinised is more likely to be punitive and authoritarian towards prisoners and is also more likely to rationalise his attitudes by viewing prisoners through unfavourable stereotypes, which the prisoners will in turn reciprocate.

The relationship between a bureaucracy and the people who work within it is of particular interest for the present study. The question as to whether bureaucracies select people with particular personalities is relevant to a consideration of the prison officer as a type. Once recruited, are the personality traits of staff members modified by training and expectation of promotion (Merton, 1957)? Etzioni (1964) suggests that recruitment is particularly important and that a small increase in selectivity will often provide a disproportionately large decrease in the degree of control of staff required by the organisation, with a consequent saving in resource and effort. Having selected candidates with the approved basic qualities organisational socialisation subsequently goes to work to adapt these qualities to improve organisational performance. The application of these various factors to the prisoner population would be an interesting exercise but my concern here is with staff. Jacobs (1983) has expressed the opinion that the social origins of staff serve as an indicator of the status of the prison organisation in a particular society; that where prison administrators are drawn from the same background as other bureaucrats prisons will be run on the same lines as other major agencies but that this will not be the case where the administration of prisons is entrusted to members of non-elite groups who cannot get better jobs.

Emery (1970) identified another facet of the problem of selection when he suggested that prison officers and prisoners frequently share a common set of values and that this similarity is enhanced by the fact that typically staff come from the same backgrounds, have attended the same schools and have experienced the same problems of economic insecurity as have prisoners. He indicates that historically this problem has been tackled in one or two ways.

a. Recruitment of staff from parts of society least likely to share the values of those who are to be controlled, for example, from rural areas and from men with long-term armed service.

b. By the segregation of the staff from the community at large, for example by barracks, rotation of duties, uniforms and hours of work. (p 37)

A recent and apparently unsuccessful attempt to break this mould in the Correctional Service of Canada was described earlier in this section.

If this pattern of selection is adopted by management this is likely to influence the expectation which the latter will have of staff. It is more likely that work will be highly routinised and that there will be little individual choice. Clegg and Dunkerley (1980, p 264) suggest that this dichotomy between choice and structure, between freedom and constraint, is an essential element in the establishment of the theoretical base of any organisation. In practical terms, the situation is rarely so clear cut and I shall shortly discuss the confusion of goals in the prison system which leads to confusion in organisational structure. Ambivalence about penal theories has produced penal systems which are inadvertently resistant to change (Cressey, 1972, p 443). This has come about for two reasons. Firstly, because a shift in penal objectives requires not only a change in the work habits and attitudes of the staff but also a change in the organisation itself. All prisons are structured on a hierarchical line system of custodial ranks and any innovation which cannot be achieved within this hierarchy must either modify or evade this rank structure. The second reason is that in any prison system, unlike an industrial concern, before any change or innovation can be implemented the participation, or at least the non-opposition, of staff is required.

Blau and Scott (1966, p 232) have shown that bureaucracy in organisations is likely to be more relaxed in situations where a unit is remote from the central organisation or where there is physical danger. The first of these conditions may frequently exist in the relations between a prison and the headquarters' structure, the second in particular circumstances in a prison. In both situations the bureaucratic system will be less evident, superiors will become in some sense dependent on their subordinates and this dependence will oblige them to rely on personal, less bureaucratic means of motivating cooperative efforts.

What I have been arguing in this section is that the prison service operates within a tightly structured hierarchical system not because of any internal or essential need to do so but rather because of the type of Machine Bureaucracy on which it is based. This type of organisation, I have suggested, is a result of the fact that the prison service is located within the civil service structure of central government.

### 3.3 The Prison Service: Its Reason for Existence

Each organisation can be defined as a sub-structure of a more comprehensive social system. According to Parsons (1956) this means that a properly integrated organisation must accept the more generalised value systems of the larger structure and also that the former must have a legitimate place or role in the latter. To express this in another way, there must be a close relationship between an organisation and its supporting environment. Without continued inputs any system will run down. One basic method of identifying and understanding a social system is through its relationship with the "energetic sources" necessary for its maintenance (Katz and Kahn, 1966). The larger structure to which the prison system is related is the criminal justice system. Sociologists point out that the definition of crime and the punishment of the criminal as the responsibility of

specially constituted organisations such as the courts, the police and the prison is a feature of developed society. Primitive societies will often exist without these organisations and will rely on the control exercised over a wrong-doer by his family or fellow-tribesmen. Societies have only gradually developed specialised organisations of control with legislative, judicial and penal functions (Smith, 1971).

Over the last 100 or so years the pace of social change has involved constant alteration to the criminal law. The development of ideas about the treatment of offenders has similarly led to a complex penal system in which, in addition to simple detention, attempts are made to educate, train and employ prisoners and to give them access to religious, medical and welfare services. These changes in emphasis and provision have led to a blurring of the connecting links between the organisation of the prison system and its true super-ordinate structure, the criminal justice system. Some practitioners and academics have suggested that the home of the prison system lies in a social welfare model rather than in a penal model. This attempt to place the prison system within an improper super structure has resulted in a confusion of goals.

By definition, imprisonment as a judicial disposal is intended primarily to be a punishment <sup>which consists of the deprivation of liberty</sup>. When referring to the aphorism of Alexander Paterson that "men come to prison as punishment, not for punishment" (Ruck, 1951, p 23), modern commentators concentrate on the final phrase to the neglect of the previous one. Taken as a whole the meaning of the aphorism is clear: imprisonment is punishment. Historically individuals were held in prison pending trial or, having been found guilty, to await execution of the sentence which the court had passed. It is only in comparatively modern times that imprisonment per se has been added to the older punishments of execution and exile and indeed has come to replace them as the ultimate penal sanction available to the court. Rusche and Kirchhimer (1939) argue that the aim of all punishment is the protection of those social values which the dominant social group regard as good for society. The use of imprisonment as a punishment, they suggest, reflects the prominence of economic and fiscal forces in our society.

Be that as it may, the most important factor for our hypothesis is that imprisonment is punishment and as such must be integrated, not into any social welfare model, but rather into the criminal justice process.

The nature of this integration became less clear as the organisational structure of the prison system grew. Large institutions are seldom satisfied with merely a primary objective; secondary and even tertiary aims are frequently developed and expressed. The prison system has been no exception to this norm. The simple notion of punishment as an end in itself might have been acceptable to philosophers. It was not sufficient for the legislators and administrators who were responsible for the development of our prison services, particularly in Victorian Britain. In their view the punishment of imprisonment required a justification. The justifications which were duly advanced came to be regarded as the secondary aims of imprisonment. In due course so much emphasis was placed on the secondary aims that the primary aim was all but lost sight of. This position was taken up as early as 1837 by Fredric Hill, Inspector of Prisons for Scotland, in his annual report:

...the legitimate objects of imprisonment are the protection of society and the reform of the offender... (p20)

The fact that this rationalisation came to the fore just as the prison system was moving towards centralisation and work related to it was becoming respectable was no coincidence.

Such a strategy makes life easier for the personnel within these institutions. The hangman's job was never very popular. Those who got a chance slipped into the doctor's role as fast as possible. There are great amounts of ambivalence in having direct responsibility for other peoples' suffering. There is need for a defence. Major strategies are to claim that what one is doing to other people does not hurt, is intended to help, or actually is very efficient in helping them even though it might hurt a bit in the beginning - just like so many good cures. (Christie, 1978, p 181)

This false elevation of secondary aims to a primacy which was not theirs was finally enshrined in the dictum of the Gladstone Report that "We start from the principle that prison treatment should have as



its primary and concurrent objects, deterrence and reformation". Leaving aside the inconsistency of suggesting that there could be more than one primary aim, the basic error of Gladstone was to suggest that either of these two important but nonetheless secondary objectives of imprisonment was a primary one.

This lack of logic continues to confuse both academics and practitioners. What has bedevilled penology for the last century is not the problem of whether deterrence should have precedence over rehabilitation, retribution over reform or control over care but rather neglect of the principle that the primary aim of imprisonment is punishment. Once this is recognised the previous pairs, since they are secondary aims, can exist concurrently.

The false elevation of rehabilitation in particular to be the primary purpose of imprisonment, which culminated in the famous Prison Rule 5 in Scotland (Rule 1 in England and Wales), has had two major consequences. In the first place it has introduced an element of uncertainty into the length of time which an individual will serve in prison so that the period of punishment is no longer solely determined by the sentence of the court but also by other factors such as his behaviour while undergoing imprisonment or the perceived likelihood of his re-offending. In this connection Rupert Cross has observed that

(there) can be no doubt that the increase in the control of the Executive over the offender after he has been sentenced has been one of the major features of 20th century penal history in this country. (1971, p 27)

The second consequence is that the various facilities and resources which are necessary for a humane form of containment have been linked to the aim of rehabilitation. As McClintock has pointed out,

The merit of Sir Alexander Paterson's campaign in the 1930s - and that of Sir Lionel Fox and other penal reformers later - was to emphasise, in addition to the right of the State to punish, the obligation of the State to provide facilities for education and treatment on grounds of humanity and social justice. The shortcomings of their aims - and the weakness that lies at the centre of the present debate - is that they coupled the ideas of

education and treatment of prisoners with that of crime prevention, in the belief that this would be an important way of reducing individual recidivism. (1983, p 21)

The difficulty which a separation of these two ideas creates is a modern expression of the principle of less-eligibility. Politicians and the public will reluctantly accept that resources should be channelled towards prisoners on the grounds that these resources assist in rehabilitation and, therefore, in reducing the future crime rate. They are not likely to accept this, particularly in an age when resources for the community at large are coming under increasing pressure, on the grounds that although they may not contribute to crime prevention they should be offered to the prisoner out of respect for him as a person.

From the prisoner's point of view the two consequences described above lay open to question the justice of the main feature of his punishment, which is the length of time he serves in prison. If it is accepted that punishment is the basic tenet which underpins imprisonment there are several far-reaching implications for our penal system, all of them based on the corollary that no person should be sentenced to prison other than primarily for punishment.

In the first place, deprivation of liberty is the most extreme form of punishment in our society and should only be considered when no other disposal is possible. Some 80% of all the people admitted to prison in Scotland are serving sentences of less than six months. One wonders to how many of these this criterion applies. Secondly, any sentence of imprisonment which is passed should be of the shortest possible length, even although in some cases this might be a considerable period of time. There should be no question of sentencing an individual to a penal establishment "for his own good" or "for training". Thirdly, the length of the punishment which is imprisonment should be clearly laid down by the sentencing court and not by any administrative system. Control mechanisms are necessary for the management of our prisons but the length of time to be served in prison should not be one of these mechanisms. One consequence of this would be that the option of "gaining" or "forfeiting" remission as a result of behaviour during the course of a

sentence would no longer be available. Neither would there be any place for a system of early release on parole which was based, even partially, on how a prisoner had "responded" during his sentence.

The probable result of employing such criteria for imprisonment will be a much smaller prison population which, with the exception of those who require to be detained for very long periods and even for the rest of their natural lives, will be serving much shorter sentences. What kinds of regime will this residue, substantial though it may be, as the May Report suggested (1979, para 3.72), undergo? To define the primary purpose of imprisonment as punishment is not to suggest that the only acceptable regime is that of human warehousing. As May also pointed out (para 4.27), the positive elements at present exercised in the name of treatment and training should not be dismissed although the rhetoric surrounding them should be. There must be no diminution of resources for those who are necessarily punished in prison, nor any lessening of commitment among staff. What will change, however, is that a prisoner's use or neglect of these facilities will not be used as a measure of the extent of his reformation. Instead he will have the opportunity to use the resources which are available either as a means of coping with his sentence or as an aid to his own reform. We will move, in the words of Norval Morris from the arena of "coerced cure" to that of "facilitated change" (1974, p 27).

*consisting of the deprivation of liberty,*

If one accepts a model of imprisonment which has punishment<sup>h</sup> as its primary aim the controversies of "rehabilitation model versus justice model" or "care versus control" cease to be of major significance. Since neither one nor the other of these models represents the primary purpose of imprisonment they may happily coexist as secondary purposes. The one man within the system who has always been aware of this fact has been the prison officer. Although he might not recognise the descriptions, he frequently makes use of each of the models. In the course of his daily work he constantly exercises care and control of prisoners without any sense of schizophrenia. This is because he is clear as to his primary function.

The officials, in short, know on which side their bread is buttered. Their continued employment is tied up with the successful performance of custody and if society is not sure of the priority to be attached to the tasks assigned the prisoner, the overriding importance of custody is perfectly clear to the official. (Sykes, 1971, p 18)

This latter is an alternative expression of our hypothesis. The punishment of imprisonment consists in the deprivation of liberty. Therefore, the primary aim of prison staff is to ensure continuing deprivation of liberty for the duration of a sentence. In the final analysis this fact is recognised by the authorities which employ prison officials. No such official is likely to lose his position because he has failed to deter an individual from future crime or because he has not succeeded in reforming a particular prisoner. In recent times, however, prison officials have lost their positions because they have failed to retain prisoners in custody.

It is frequently argued that a clear definition of the purpose of imprisonment is urgently required. What is being suggested here is that such a definition already exists and, furthermore, that it is clearly understood by prison staff if not by administrators and academics. The primary purpose of imprisonment is punishment, a punishment which consists essentially in loss of liberty.

But the truth is that prisons have never really been about training at all. They have always really been about, and continue to be about, captivity, that is, safe custody. There is nothing on earth to be gained from pretending otherwise.... what endures and what is common to all is their custodial function for the duration of the sentence of the court; and therein lies their reason for existence. (King and Elliott, 1977, p 336).

The acceptance of such a definition will involve neither a restriction of regime for prisoners nor a diminution in the role of staff for, while the primary purpose of imprisonment is clear, the resources which are necessary for humane containment will provide those prisoners who wish it with the opportunity for "facilitated change". Indeed such a clear definition of purpose will result in an increase both in achievement and in job satisfaction for staff. Such a clarity will also be communicated to prisoners so that they will be given an

understanding of why they are imprisoned and what they might individually expect to achieve while so held. Finally,

the criminal justice system should not, and cannot successfully undertake to deal with fundamental issues relating to questions of social justice in the modern state. (McClintock, 1978, p 129)

The contention that prison officers are clear as to their primary responsibility but at the same time do not see any contradiction in attempting to carry out their secondary responsibilities received support from the responses to my survey. 97.5% of staff considered the prevention of escape to be an important part of their work while 100% regarded the need to keep prisoners under control as important; these are expressions of the primary responsibility. But a high degree of importance was also attached to the secondary responsibilities; 85.2% of respondents regarded "helping prisoners with their problems" as important while 90.2% gave a similar rating to "being ready to talk" with prisoners.

### 3.4 The Introduction of Secondary Goals

I have already suggested that the growth of secondary goals is a feature of any large organisation but that this development has presented particular difficulties regarding definition of task for the prison system, mainly due to a misapprehension of the relationship between primary and secondary goals.

It is difficult to be at one on the same time the punitive arm of the political system and the rehabilitation agency of the educational system. (Katz and Kahn, 1966, p 147)

The root of this misunderstanding in the prison system can be traced to the nature of the techno-structure which has been allowed to develop. Large organisations will typically standardise as much as possible, thus reducing the need for direct supervision and enabling relatively junior staff to carry out many of the functions previously exercised by senior management. This also leads frequently to the

development of several specialised units which exist to provide support to the organisation but do so outside the operating work flow (Mintzberg, 1979, p 30). In the prison system many of these units are staffed by members of the proto-professions. Indeed, as I indicated in the previous chapter, in Scottish prisons they are often given the formal title of "units", for example education and social work units, thus emphasising that they are outside the main work flow. The professional objectives of the members of these units have little in common with the primary goal of the prison service. As a result of these and other influences the prison service has moved in some respects from being a commonwealth organisation, which exists for the protection of society, to become a service organisation, oriented largely to the needs and the interest of its prisoner "clients" (Blau and Scott, 1966, p 56). Such an emphasis enhances the standing of proto-professionals but can be a threatening development to the prison officer as he sees himself being excluded from the service function and relegated to a purely custodial position.

This aspect of the prison has been further complicated in recent years by the increasing attention being paid to prisoners' rights which, in addition to reinforcing the notion of the prison as a service organisation, has contributed significantly to its bureaucratisation, to an increasing dependence on rules and regulations and to "administration by the book".

Until recently, prisons operated as traditional, non-bureaucratic institutions. There were no written rules and regulations, and daily operating procedures were passed down from one generation to the next. Wardens spoke of prison administration as an "art"; they operated by intuition. The ability of the administration to act as it pleased reinforced its almost total dominance of the inmates. Early law suits revealed the inability of prison officials to justify or even to explain their procedure. The courts increasingly demanded rational decision making processes and written rules and regulations; sometimes they even demanded better security procedures. The prisons required more support staff to meet the increasing demand for "documentation". New bureaucratic offices and practices began to appear. (Jacobs, 1983, p 55)

Traditional prison staff have not been slow to adopt this service model of imprisonment. Not least because it reflects well on their own

role. Christie (1978) has pointed out that the protagonist of the "denial-of-existence strategy", the minimisers, are very often those who are closest to the system, who attempt to improve their own life situations by pointing to similarities between their area of work and other social phenomena; prisons are called institutions, prisoners are called inmates.

Two factors should be borne in mind when considering the assumed growth in professionalism in the prison system which has led to the dominance given to secondary goals. Firstly, the professionalism of prison officials is yet to be proved and I have already suggested that it cannot be proved. That is true both of those who are career officials and those administrators, often in the higher ranks of the British prison services, who are transitory as far as prisons are concerned. This fact is recognised even by prisoners.

I know that my life for many years may be directed by a career civil servant whose next appointment may be with another Ministry, for the Chairman of the Prison Commissioners has never worked in a prison in any capacity for a single day in his life. I know that his first duty is to his Minister and that part of that duty is not to initiate anything which might prove an embarrassment to the Minister. (Zeno, 1968, p 51)

This theme was also discussed in the previous chapter. The second factor to be remembered is that those who come to work in the prison system bringing their own professional skills with them have a somewhat ambiguous relationship with the system. Not infrequently their professional competences will be converted to serve custodial functions. The diagnostic skills of a clinical psychologist, for example, may be used to identify and segregate prisoners who are low custodial risks or inter-personal skills may be used to produce greater conformity to institutional norms (Vinter and Janowitz, 1959, p 151). One result of this tension is often a high turnover rate among such personnel which in turn may lead to a reduction in confidence in their position on the part of more permanent staff. This is not to deny the fact that in some parts of an organisation there may be cross-fertilisation between the various professional and non-professional disciplines. The former may take the trouble to learn about technicalities of work done by the latter, the latter may

become familiar with some of the terminology and theoretical background of the former (Weber, 1957, p 447). The relationship between professional skill and organisational loyalty is often in direct proportion to the amount of professional opportunity provided within the organisation in question compared to other organisations. If a worker's reference group is his profession rather than the organisation he is more likely to be independent of organisational pressures and to deviate from administrative procedures (Blau and Scott, 1966, p 74). Bureaucratic organisations such as the prison system are in a particularly strong position to encourage loyalty and standardisation by means of the carrot/stick of tenure, job security and promotion prospects (Merton, 1957, p 49). A more sophisticated form of this control is the accelerated promotion offered to those who exhibit some form of personal charisma in order to increase their loyalty to the organisation by means of greater material or symbolic rewards, personal contact with senior personnel and proximity to the informal channels of communication (Etzioni, 1975, p 341).

On balance, as I indicated in the previous chapter in the context of the Scottish prison system, it does appear that at best administrative and professional authority are uneasy bedfellows, at worst they are incompatible.

Still the reader is correct in his intuition that there is something fundamentally wrong with the notion of viewing the bureaucracy as a hierarchy in which the more rational rule the less rational. There are two reasons. First, by far most of the trained members of the organization are found not in the highest but in the middle ranks, and not in the regular line of command positions but around them. Depending on the type of organization, they are referred to as experts, staff, professionals, specialists, or by the names of their respective professions. Second, the most basic principle of administrative authority and the most basic principle of authority based on knowledge - or professional authority - not only are not identical but are quite incompatible. (Etzioni, 1964, p 76).

Scully (1977) describes at some length the unholy relationship between control organisations such as the prison system and the proto-professions which emerged fortuitously at the same time as these organisations were exchanging their punitive role for an allegedly rehabilitative one. The suggestion that these new



professions could cure deviancy was a notion eminently acceptable to the dominant theory of social control in a capitalist economy. The state-supported institutions, such as prisons, provided a guaranteed market for these new experts and also allowed them to develop, in isolation from the community at large, empirically based craft skills in the management of particular forms of deviance.

The most important of the secondary goals of imprisonment, at least in the British prison services of the first half of the 20th century, was rehabilitation. This is a word with several possible meanings (Morris, 1978, p 83). For Brebner, Hill and the first managers of the General Prison at Perth as well as for the Quaker pioneers in North America it implied a moral and spiritual regeneration which would break an individual from habits of crime. At the same time it had a distinctly deterrent value closely related to the Protestant work ethic which equated work with virtue and idleness with vice. The requirement placed on prisoners to complete an allotted scale of work each day both involved a virtuous act on their part and at the same time was intended to be irksome enough to deter them from future crime. This was in keeping with the obligation placed on all working people to accept the duties of their proper station in life. During the golden age of rehabilitation after the First World War the confidence of its proponents was unbounded.

The problem of Recidivism is small, diminishing, and not incapable of solution. (Ruck, 1951, p 55)

The rehabilitative model espoused by Brebner and others in Scotland in the 19th century and developed by Paterson and others in England in the 20th century was essentially a paternalistic and at times an autocratic one. This form of paternalism was justified on the grounds that prisoners were in effect wards of the state which had a consequential responsibility to them which went beyond the simple degree of control necessary to protect society. The modern statement of this position, as advanced by those such as Thomas Murton is a form of participative management.

The present system of imprisonment has not worked. Prison problems, to a large extent, can be traced to the inequitable,

arbitrary, unfair, and unjust system of management. To combat the traditional negativism of the prison environment, a coalition of power between inmates and staff, based on honesty and trust, could form a strong power base for change. (Murton, 1979, p 22)

Such a strategy, Murton argues, is more likely to help prisoners to re-integrate into society on release; it will require them to accept responsibility for their decisions and for the consequences of their behaviour.

An added complication has been that almost all of those who have promoted the rehabilitative model, in whichever guise, have done so with very little reference to prison staff. Several English commentators (Emery, 1970; Thomas, 1972; Evans, 1980) have remarked on the contrast between the Prison Commissioners apparently bestowing unearned privileges on an ungrateful body of convicted criminals and at the same time giving nothing to their uniformed staff without a struggle. In North America the involvement of courts in the assessment of prison decision-making has demoralised staff to the extent that Jacobs (1983) contends that officers of today are "more insecure, both morally and legally" than their predecessors.

The development of this model of imprisonment has had specific implications for the role of the prison governor. He is subject to three main pressures.

As the head of a large bureaucratic apparatus, the warden must maintain a balance between the state, which demands fulfilment of its regulations at the smallest possible expense or at a profit if possible, the staff, which shares the character of every bureaucracy in that it tries to increase its power and influence, and the prisoners. (Rusche and Kirchheimer, 1939, p 156)

In the early 19th century the beginning of the elevation of rehabilitation as an illegitimate primary aim of imprisonment led to several difficult situations, the most extreme of which occurred in Millbank in the 1830s when a conflict of authority between the governor and the chaplain led to the former being replaced by the latter (McConville, 1981, p 163). The prison governor, even in his modern, more bureaucratic role is a highly visible general manager

whose administrative skill reaches out in the first instance to those closest to him but very quickly thereafter to the rest of the prison (King and Elliot, 1977, p 149). Given their perceived exclusion from much of the allegedly rehabilitative work, the relationship between officers and their governors became subject to change.

...as the reformatory movement gathered momentum, so did the certainty amongst staff that the bonds between officers and governors were being weakened, because of a strengthening relationship between governor grades and prisoners. (Thomas, 1972, p 120)

### 3.5 The Resultant Confusion of Goals

The complex organisation should not be regarded simply as a group of individuals coming together nor as a meeting of friends sharing a common activity. It is rather a coming together of persons and resources in such a manner that their activities constitute the rational pursuit of a set of goals. The concept of "negotiated order" is important for any analysis of organisational goals. Clegg and Dunkerley (1980, p 321) argue that the goals of an organisation are at the same time potent symbols of order within an organisation and also a means of effecting order. The establishing of a priority of goals is a key element for negotiation within a structure. Smith describes an organisation as

The outcome of the conflicts between different groups, each pursuing somewhat different (and quite rightly conflicting) objectives, yet each attempting to present their own aims as the goals of the organisation. (1979, p 10)

I have suggested that in its initial concept the goal of prison organisation was clear. Some commentators have exaggerated the subsequent confusion of goals, although confusion there undoubtedly has been.

Correctional institutions can be said to have multiple goals. Their primary functions are to incarcerate - that is, establish custody over - the offender and to rehabilitate the delinquent. These goals may be incompatible because maximisation of one may lead to inadequate fulfilment of the other. (Zald, 1960, p230)

This is an example of the woolly thinking which has led to confusion. Cressey (1961, p 2) goes so far as to suggest that with all the confusion and conflict among the various groups involved the amazing thing about prisons is that they "work" at all, that they do not disintegrate in organisational terms. Clemmer points out that there are no communal goals in the inmate world, that their conflict with the staff is only slightly greater than their conflict among themselves.

There is pain in punishment. Except for the few, there is bewilderment. No one knows, the dogmas and codes notwithstanding, exactly what is important. (1958, p 298)

Both staff and prisoners are aware that there is frequently a contradictory balance to be maintained between mutually exclusive sets of expectations; but senior staff appear to have ambivalence between justice and leniency, rule-enforcement and relaxation, command and cooperation, an ambivalence which presents the individual prison officer with puzzling dilemmas in his daily contacts with prisoners (Mathiesen, 1965, p 84).

How is one to establish what the goals of an organisation are? Is one to accept the view of senior management, of middle-ranking executives or of the bulk of the members? The goals of an organisation partially reflects all the views held by these groups, but they are more than the sum of the parts. They are that future state of affairs which the organisation is attempting to bring about (Etzioni, 1964). One can expect a major organisation to have a set of manifest goals which provide a legitimisation of the system as well as a set of latent goals which relate more directly to the power of the system to survive. One must be aware that elements of an organisation might choose to maintain that certain goals are being sought which in fact are quite different from the ones actually being pursued. This may be because the personnel stating these views are unaware of the discrepancy; more commonly it will be a conscious attempt to obscure the real goal. This has happened in the expression of the primary and secondary goals of the prison system.

The researcher will define as the real goals of the organisation those future states towards which a majority of the organisation's

means and the major organisational commitments of the participants are directed, and which, in cases of conflict with goals which are stated but command few resources, have clear priority. (Etzioni, 1964, p 7)

This distinction between statement and reality applies also to other areas of organisation and even to the organisation itself. One cannot hope to understand the formally instituted patterns of an organisation without also examining the networks of informal relations and official norms. The distinction between the formal and the informal aspects of organisational life is only an analytical one and should not be reified (Blau and Scott, 1966, p 6).

In many respects the prison structure typifies an organisation in which these inconsistencies are present (Cressey, 1975, p 110). Until recently many practitioners would have stated that the primary goal of the prison is rehabilitation, or would at least have expressed it to be a "concurrent primary objective". Informally first line practitioners, such as officers, have always been well aware that the punishment involved in the deprivation of liberty is in fact the primary objective. This confusion extends even to the law. Prison Rule (Scotland) No 5 advises that,

The purposes of training and treatment of convicted prisoners shall be to establish in them the will to lead a good a useful life on discharge, and to fit them to do so.

The warrant of the court, by force of which a prisoner is legally held, has a much simpler message for the prison governor. The named prisoner is to be held until the expiry of his sentence and then released without any reference to his social or moral condition when that time comes.

One of the dangers of bureaucratisation is that the original objectives of an organisation may become lost sight of as a result of pre-occupation with administrative problems (Blau and Scott, 1966, p 228). Survival of the organisation becomes more important than the end for which it was established. Even radical organisations, of which trade unions are a good example, are likely to become increasingly modified and conservative once they develop a

bureaucratic hierarchy. Nor will this displacement occur only at the top of an organisation; it may well extend to its body. Merton suggests that bureaucracy has certain effects on the personalities of its members, that it encourages a tendency to adhere strictly to rules and regulations for their own sake even when a policy of flexibility in the application of rules is encouraged. Procedures may become ends in themselves and adherence to the organisational policy becomes the goal of the bureaucrat. (Etzioni, 1964, p 12). At the same time one has to recognise that the goals of an organisation are not set in a vacuum. As far as the prison system is concerned, a sound theoretical basis and the promise of effective penal intervention are not sufficient. The structure must also be politically and publicly acceptable (Garland, 1983, p 225).

In setting its own goals an organisation takes on itself a particular burden. This was what the prison service did when it attempted to re-define its goals beyond the narrow boundary of punishment. When an attempt to impose a new definition is made from above the executive is often attempting to retain control and to ensure that alternatives are not pressed from below (McCleery, 1961, p 188). In penal terms this increased role of the executive in defining the goals of the prison system has led to that same executive exercising significant control over the sentenced offender in the name of rehabilitation to the extent that *this has become* one of the major features of 20th century penal history in this country.

A disturbing feature of this executive extension of goals is that, not only is it unsound in principle, it is also ineffective.

The depressing finding that has emerged from study after study is that, as far as can be determined, not one penal measure designed to prevent crime in individual offenders through reformation or deterrence is any more effective than any other. (Hogarth, 1971, p 74)

Occasionally change of heart does occur while an individual is in prison but there is no way of knowing if that would have come about whether or not the person concerned had been in prison. Change of heart is much more likely to come about as a result of external pressures such as accommodation, employment or family influences.

The most realistic approach of the executive would be to ensure that the resources presently provided under the guise of rehabilitation are deployed simply to prevent deterioration of an individual as a result of the experience of imprisonment.

One must be particularly hesitant about the right of a bureaucracy to set its own additional goals when it is reluctant to accept the public accountability. The Webbs (1922) have drawn attention to the veil of secrecy drawn over the administration of the prison system after centralisation in 1877, contrasting this reticence with the willingness of the government to subject other large public organisations which were not under its direct control to independent inspection and scrutiny. What Morris (1976) describes as "the spectre of executive justice" is a disturbing feature of the modern penal system and is what leads Fogel (1978) to argue that what should concern us in prisons is not so much the administration of justice as the justice of administration.

What I am demonstrating is that, if expressed as primary ends of equal importance, the various goals of the prison service are incompatible. However one might attempt to define the notion of assisting a prisoner to lead a good and useful life, it is not possible to define the operative goals of the prison system in that way (Smith, 1979, p 78). The principal reason for this is that the complex operational goals of the prison emerge in practice from a direct conflict between the coercive and the treatment models of the organisation which are implicit in the dual primary goals of punishment and reform. That is not to deny the existence of different goals within the prison system. Cressey (1965, p 1023) points out that within any prison there is a military system which is designed to keep inmates within the perimeter, an industrial system which both maintains the prison and produces goods and service systems which attempt to rehabilitate prisoners. It is wrong to suggest that the primary purpose of the way prisoners are treated is to effect changes in their character, attitudes and behaviour, particularly in circumstances where government officials are able to

escape public scrutiny and where the links between repression and therapy become blurred (Allen, 1981, p 34).

To suggest that the contribution of the rehabilitative ideal has been secondary is not to say that it has not been a valid contribution at all nor that it will necessarily disappear. The model will remain valid in some cases because, however much we may dislike the proposition, we have to recognise that, while protective paternalism cannot always be justified, equally one cannot always assume the full moral autonomy and responsibility of all convicted offenders. One of the major arguments being advanced throughout this thesis is that the resources channelled into prisons are unlikely to lead to any significant degree of rehabilitation; other justifications must be found.

Internally, "treatment" goals lead to humanitarian and flexible management practices which generate better relations between staff and prisoners and which are, in short, sound management practice (Wilson, 1972, p 249). At a more fundamental level, the state has an obligation to facilitate hope and the opportunity for self-development among those within its custody and care. The incompatibility of goals presents a particular difficulty for prison officers. The Scottish prison system has never been subject to the level of para-militarism which was common in England yet even here the contention expressed by Thomas (1978, p 57) that the para-military structure, with its overall task of control, was thrown into confusion by the introduction of "treatment" and "training" has a certain validity.

Perhaps it is an adequate summary of the officer level to say that while managers' preferences were also what they were doing, trying to do or thought they were doing; officers' behavior is frequently not a reflection of what they prefer. Compared with any of the other groups, there is tremendous disagreement amongst officers about institutional and personal goals. The condition of anomie is evident. Officers who favour a "punitive" or "disciplinarian" stance do not feel supported by their superiors, and officers who favour rehabilitation do not see the opportunity to work for it. (Duffee, 1975, p 109)

This confusion has been exacerbated by the introduction of other grades of staff to work as agents of rehabilitation to the exclusion of the officers who are primarily custodians. In some cases senior



management is perceived as having aligned itself with the rehabilitators rather than the custodians (Cressey, 1960, p 87). Even where this has not happened, custodial and treatment staff may well each feel that the other part is interfering in their own area of activity (Mathiesen, 1965, p 54). It has been suggested that one of the main reasons for the failure of prison to reform lies in the very nature of its attempt to control and regulate human life. Rehabilitation in these terms means an adaptation to an orderly life with regular work and rests on the false assumption that if this mode of behaviour is learned in prison it will enable a prisoner to re-adjust to life on release (Rusche and Kirchheimer, 1939, p 159). Given this failure, the prison officer has concentrated on custody, even to the extent of bureaucratised routines which can express themselves as opposition to progress (Sykes, 1971, p 15).

The attitude of the prison officer is of particular significance in any consideration of prison organisation. He falls into that category whose work is uniquely to deal with people (Goffman, 1961, p 68). It is people-work to the extent that the very objects and products with which staff are required to work are themselves people. This means that, whereas in other organisations, such as factories, there are separate hierarchies of management and workers, in the prison management extends to the lowest level of employees. The prison officer is at the same time a worker in his relations with management and his response to a system of controls and regulations from above and also himself a manager in his inter-action with prisoners.

Guards manage and are managed in organizations where management is an end, not a means. (Cressey, 1960, p 79)

One of the consequences of this structure is that any attempt to alter or expand the goals of the prison system must be able to count on the tacit support, or at least the non-opposition, of the prison officer. This fact has not always been borne in mind. Indeed, it has been suggested that as the prison system has set itself increasingly reformative goals the prison officer has been excluded from their implementation. His success or failure has continued to be measured by his ability to control prisoners and, if anything, the

opportunity afforded him to take on work which is not purely custodial has been restricted (Thomas, 1972, p xvi). One practical outcome of this arrangement is that it does the standing of the officer no harm at all if, occasionally, there is a major incident in a prison which allows him to come to the fore. Such irregularities call for action and may well provide officers with opportunities to distinguish themselves, to show that they, rather than the "specialists" are the most essential members of staff (Galtung, 1961, p 116).

The lesson to be learned from these observations is that prison security is likely to be enhanced the more the officers are made to feel an integral rather than a second-rate part of the organisation (Glaser, 1964, p 145). This is an expression of the principle that generally speaking the less an organisation alienates its personnel the more efficient it is likely to be, the more job satisfaction employees have the harder they are likely to work. To a degree, organisational rationality and human happiness go hand-in-hand (Etzioni, 1964, p 2). But there is a point in every organisation at which job satisfaction and efficiency cease to support each other. Not all work can be well-paid and gratifying, not all regulations and orders can be made acceptable. This is a dilemma which faces all organisations. It does so within the prison system because the primary task of the officer, that of containment, is basically a monotonous role and also because the other tasks which have been added have not been related directly to the prison officer's work.

### 3.6 The Effect of the Confusion of Goals on Junior Staff

In his study of officials in a mid western American prison camp Grusky (1959, p 249) suggests two conditions which can lead to role conflict within an organisation. The first occurs when one or more inconsistent patterns of role expectations and behaviours are attached to a single position in the system; the second, when both of these patterns are defined as legitimate. This conflict occurred in the

prison system when one or more of its secondary roles was elevated to primary status. When multiple criteria for worker performance are used the employee concerned finds it necessary to make a judgement about which of the tasks set him should receive the major part of his attention.

Somehow he must resolve the claims that the prison should extract vengeance, erect a spectre to terrify the actual or potential deviant, isolate the known offender from the free community, and effect a change in the personality of his captives so that they gladly follow the dictates of the law - and in addition maintain order within his society of prisoners and see that they are employed at useful labour. (Sykes, 1971, p 17)

When faced with the need to make that judgement prison officials have never been in doubt that their primary goal is to retain their prisoners in custody. They achieved that end by various means. Government of a majority by a minority means that the consent of the former to be governed must in normal circumstances be maintained. Rules cannot be enforced in an arbitrary manner; officials must use discretion and common sense.

The role of the front line prison officer is particularly important since he will often be the most consistent element in the equation. Mathiesen (1965, p 66) highlights some of the problems created in Norwegian prisons by frequent changes in senior personnel. These problems have been equally obvious in Scottish institutions. This presents a special difficulty in an organisation in which traditionally orders flow downwards but not necessarily information. In any task which has relatively little technical skill or theoretical base one of the substitutes for a body of knowledge is the hoarding of information. This is a feature of the prison service in which junior staff constantly have to turn to senior staff for advice and in which they are required to pass upwards immediately any information which they receive from prisoners (Thomas, 1972, p 44).

In common with discipline staff prisoners are clear as to the primary purpose of imprisonment. The traditional contrast between custody and care misses the central reality of the inmate's life.

The reality is this: The welfare of the individual inmate, to say nothing of his psychological freedom and dignity, does not depend primarily on how much education, recreation and consultation he receives but rather on how he manages to live and relate with the other inmates who constitute his crucial and only meaningful world. It is what he experiences in this world: how he attains satisfaction from it, how he avoids its pernicious effects - how, in a word, he survives in it - which determines his adjustment and decides whether he will emerge from prison with intact or shattered integrity. (Korn and McCorkle, 1966, p 473)

The same point is made more directly by a former prisoner.

So don't get the idea that nicks are good places for reforming people, all they are any good for is locking people up in and that's all. So why do they keep on all the time about how good they are. (Norman, 1958, p 84)

Prisoners regard prison as part of the hostile criminal justice world. They are being held against their will and that is the basic reason for their opposition to imprisonment. They do not perceive that the rules are for their benefit and, therefore, have no sense of an obligation towards the prison. They cooperate with the prison in order to avoid punishment, to ameliorate their conditions as far as possible and to attempt to secure release as early as possible. Their hostility to the system springs from an understanding that it is essentially custodial and punitive. It has been suggested that on this basis the fundamental antagonism between staff and prisoners cannot be eliminated (Sutherland and Cressey, 1960, p 477). Some commentators have voiced surprise at the relative lack of organised resistance within prison and the general degree of order which prevails. By and large the system is in a state of equilibrium, a state which depends on a complex set of checks and balances, both from the inmates' side and from the staff side. The typical reaction of a prisoner to the system is "dulled acceptance" (Cohen and Taylor, 1972, p 131). The dulled acceptance was voiced by one released life sentence prisoner in a manner which demonstrated that he, having served his sentence throughout the rehabilitative era, had hopes of more than punishment from his period in prison.

If I am honest, I must admit that on reflection the majority of the governor grades I have come into contact with have been decent men. But something more than decency is required if

anything is to be done about the criminal malaise, for the men who have the authority must be something more than decent men, they must be outstanding. Within its present structure, the Prison Department is unlikely to attract these men. All screws are not bastards. But most of them should never be in the Service, unless they are employed solely as custodians, and the Home Office has announced so many times that this is only one part of the prison officer's job. Unfortunately it is the only part most of them are equipped to carry out. (Zeno, 1968, p 180)

It is not being suggested that even within a penal model which has punishment as its primary goal there is not likely to be any interaction between staff and inmates. There may even be friendships on matters of mutual interest such as a common hobby or sporting interest. Attempts to extend this to discussion of primary social attitudes are likely to be much more difficult. Trasler (1972, p 209) has suggested that this will only be possible in a setting in which the counselling group is co-extensive with the population of the institution, that is, it includes both staff and inmates, and in which the network of authority and communication is in some way integrated. The only parallel which we have with this model is the Special Unit in Barlinnie Prison and I shall refer to that in the next chapter.

Those who raised rehabilitation to a primary goal of the prison system did so without any sound philosophical basis for the theory and their fall has been all the greater for that reason. It is interesting to note that this was not a mistake made by Sir Alexander Paterson, to whom many practitioners looked as a father of the model.

It must, however, be clear from the outset to all concerned that it is the sentence of imprisonment, and not the treatment accorded in prison, that constitutes the punishment. Men come to prison as a punishment, not for punishment.... It is the length of the sentence that measures the degree of punishment and not the conditions under which it is served.... It is therefore possible to have a considerable variety in prison treatment without disregarding the basic fact that a prison sentence is still used by the Courts as a form of punishment. (Ruck, 1951, p 23)

King and Elliott (1977) provide an illuminating description of one attempt towards the end of the rehabilitative era to set up just a regime and to bridge the boundaries between staff and prisoners. In

the end, the experiment at Albany failed, largely because of external pressures but King and Elliott suggest that prisoners used the experiment to re-draw the boundaries not to abolish them.

An immediate consequence of the denial of freedom in prison is the need to control inmate initiatives. Indeed, 100% of the respondents to my survey considered this to be an important part of their work, even more than the 97.5% who regarded the prevention of escapes as important. Simple physical security is not sufficient, particularly in view of the fact that this was at least partially compromised by the advent of prison industries. Control means being able to identify potential areas of inmate activity before they develop; it means controlling the avenues to such potential action; it means attempting to control even the will to act. Any prison officer will acknowledge that the use of punitive action as an exemplary reinforcement of control is a last resort and indeed an admission that the primary means of control has failed (McCleery, 1961, p 159). Prison staff are well aware that whatever may be said officially about "treatment" and "training" the prime need is to detain the prisoner. Public opinion is much less concerned at the fact that men who leave prison commit further crime than it is at any failure to contain a serving prisoner. In his study of the regime at Bristol Prison Emery (1970) concluded that even where there was official encouragement to develop relations between staff and inmates the primary task of the prison officer remained undisturbed as the maintenance of security and good order.

### 3.7 An Organisation Within the Organisation

If a prison officer finds himself restricted by the role which the organisation expects him to undertake and frustrated by the knowledge that the restricted role differs from the publicly stated goal he is likely to seek an outlet for that frustration through informal channels either on an individual basis or, more probably, in some form of association with his colleagues. In his study of

correctional officers in New York, Lombardo (1981) discovered that they did not tend to associate with each other outside the work situation, that in general they were not proud to be known as correctional officers. The officers were generally satisfied with work relations with other colleagues but did not extend these to personal relationships. Lombardo concluded that one could not safely assume the existence of an officer sub-culture which was capable of influencing the attitude and behaviour of individual officers. Instead of a cohesive group with widely accepted norms and strong sanctions for breach of these norms he found a highly fragmented collection of individuals with a degree of independence from each other and little personal contact off the job.

Lombardo's findings may be true for a particular group of officers in a particular set of circumstances. It is not consonant with other research findings and does not relate to practical British experience. Until recently the vast majority of Scottish prison officers stayed in accommodation provided by the prison authorities, normally close to the prison, which was often in a relatively remote location. A social club would be provided. The social life of the whole family, not only of the officer himself, revolved around the prison environment. In that set of circumstances peer influence plays an important role in developing group attitudes.

A fundamental characteristic of authority, therefore, is that the willingness of subordinates to suspend their own judgement in advance and follow the directives of the superior results largely from social constraints exerted by the collectivity of subordinates and not primarily from the influences the superior himself can bring to bear upon them. (Blau and Scott, 1966, p 29)

The integration of social life and work experience is a two-edged sword. On the one hand, it can lead to isolation from the world at large and to insulation from a need to come to grips with the general public's image of the work involved. This was a criticism levelled against prison staff, including members of the governor grade, by the May Report. On the other hand, when co-workers know each other off the job they are more likely to derive deeper social satisfaction on the job. In such a world one's work position is likely

to become an important basis of individual status and prestige (Blauner, 1960, p 245).

However, it should be pointed out that since 1980 staff have not been obliged to live in prison quarters. There has been financial incentive for the officer first to purchase his quarter and then on transfer to move to his own accommodation. 22.2% of my respondents had purchased their prison quarter while 40.7% were already staying in their own house. These figures were reflected in the responses to questions about social contacts. 39.5% never socialised with colleagues, while only 4.9% never socialised outside the service. 17.3% socialised 5 times a month or more with colleagues while 43.2% had the same level of socialising with friends outside the service.

If peer group influence does exist amongst staff to any degree, and it is my contention that this is the case in Scotland, this is likely to be reflected in relations with management. I shall show in the next chapter that the prison officer class has had a significant influence on the development of policy in the Scottish Prison Service. It is quite normal that staff who are able to wield some degree of affiliated strength will use this in an attempt to reduce the threat inherent in management's power. Junior staff in an organisation may well seek to reduce the rights, prerogatives or sphere of latitude of superiors by means of legislation, collective bargaining or any other method which allows a re-definition of the superior's ability to act legitimately (Cartwright, 1965, p 36). This activity can have many aims. Clegg and Dunkerley (1980) suggest that in the early part of this century the trade unions used much of their new-found power to oppose scientific management which they saw leading to a decline in the need for their craft skills and the control which they had over their own work. The roots of trade unionism in the prison service can be traced to the clandestine National Union of Police and Prison Officers which was established in 1914. I shall trace the development of unionism in the next chapter. It is sufficient at this point to note that it has been a significant influence on the development of the service. In 1963 the first major sociological study of an English prison painted a somewhat negative picture of the Prison Officers' Association.



The characteristics of the POA at national level are such as to create for prison administrators a stereotype of conservatism. The Association tends to be exceptionally suspicious of change, authoritarian in its penal views and given to tenacious bargaining over comparatively small details. Above all, it is a militant association. (Morris and Morris, 1963, p 217)

This view was confirmed by King and Morgan (1980) who found the POA to be disillusioned with the attempt to forge a more constructive role for its members and unable to comprehend the logistics of a prison policy dictated by a distant headquarters' organisation. As a result the POA focused its attention on the traditional trade union concerns of pay and conditions of service. As I shall discuss later, this stereotype does not fit the Scottish Prison Officers' Association at least at national level. However, two caveats must be entered. Pay and conditions of service are determined at a British level and, while the SPOA representative takes an active part in these negotiations, the running is made by the POA. Secondly, a distinction has to be made between the SPOA at national level and at local level; the extent to which the national body reflects local sentiment in respect of some of its more progressive positions is at least open to question.

A significantly large percentage, 46.9%, of my respondents listed the improvement of conditions of service as the main purpose of the Scottish Prison Officers' Association compared to the next highest, 17.3%, who mentioned the need to increase levels of pay. 49.4% thought that the Scottish Prison Officers' Association was very or quite successful in matters affecting conditions of service compared to 46.9% who thought that it was not very successful or a failure in this area. In all other areas of possible influence a significantly large percentage regarded the SPOA as not very successful or a failure.

Associations formed by workers are primarily designed to enhance the social and economic welfare of their members. They achieve their tasks by use of a set of internal and external relations (Etzioni, 1965, p 710). Internally they must work in a democratic manner through the "supreme authority" of the membership. Some unions fall short of the democratic ideal but all adhere at least to the form if not the practice. Externally, a union relates to the organisation in which

its members are employed and cannot exist without it. This means that implicitly the organisation defines the membership of the union, sustains it and provides the benefits which the members need. Traditionally one of the main tasks of the union is to extract the best possible package of benefits from an unwilling organisation. So, the union is at the same time dependant on and in conflict with the organisation. The relationship between management and staff in the Scottish Prison Service is particularly symbiotic. Given the transient nature of the administrative members of senior management the SPOA is placed in a particularly strong position with respect to experience of the service. Given also that the primary role of senior management is to service the political master, the Secretary of State, and to ensure that he is not embarrassed, not least by internal wrangling, there is a tradition of minimal confrontation and maximum accommodation. This is not an unusual bureaucratic response and I shall later describe the influence which this style of management has had on the development of the service. It is significant that 66.7% of my respondents were of the opinion that the SPOA should play a part in the management of the prison service.

### 3.8 Conclusion

One of the most consistent cries to be heard from those who work in and around the prison system concerns the need for more and better resources. It is wrong to talk about the failure of the rehabilitative model, argue these protagonists, when it has never been given sufficient resource to be properly tested. If only overcrowding were abolished and adequate facilities provided the prison system could become a positive vehicle for social reform. I am not denying the shortage of resources in the prison service, resources which are necessary to maintain a penal model in which prisoners could be humanely dealt with. I am suggesting that even if the prison system had all of these resources and more it could never become a vehicle for social reform because that is not its primary function. The

courts which the system exists to serve do not send criminals to prison to be reformed. For the same reason a dramatic increase in the quality of personnel who staff the prison system would not result in any greater degree of success in attempting to impose the regime of the custodians on the prisoner population. The reason for this quite simply is that the lack of a sense of "duty" among the prisoners, the failure of coercive methods and the inadequate system of rewards and punishments which are used to induce compliance are the result not of limited resources nor of staff inadequacies but rather of structural defects in the system (Sykes, 1971, p 61).

One of the principal defects arises from the continuing attempt to justify the humane handling of prisoners on the grounds that such humanitarianism is "treatment". Prison staff are being asked increasingly to explain why recidivism rates remain so high, why "training" is not more effective. Faced with these impossible questions staff have become confused as to their function, they have not been precise enough about the nature of their role to respond that the "caring" element of their work is exercised not in the name of rehabilitation but in the name of humanity. All that need be said in addition is that if a prisoner is to succeed in rehabilitating himself, that is, in "restoring himself to his former condition", he is more likely to do so in humane conditions of containment than in inhumane ones.

It may be as well at this stage to point out that the disturbances which occur from time to time within the prison system do not necessarily indicate confusion within the system. The prison, particularly the maximum security one, is not a self-regulating mechanism in which disturbances to the equilibrium bring about changes which act towards a restoration of the original state of affairs. The concept of crisis is not necessarily the antithesis of the concept of organisation. To an extent the organisation within a maximum security prison such as Peterhead may be a series of disorders which are not allowed to become too disorderly, a series of crises tied together in a recognisable continuity.

This truth, however, should not be used as an excuse to avoid developing a recognised pattern of organisational behaviour. I showed in the previous chapter that the organisation of the prison service is largely reactive in its management style and I argued that this is principally a consequence of its position within the main stream of the administrative civil service. Policy in this environment is retrospective rather than prospective; it is largely a policy of recognition, of acknowledging what already exists. Policy making properly understood should be prospective, comprising a category of forward decision-making which can effect the structure of the organisation (Katz and Kahn, 1978, p 477). The management of the prison service has been characterised by a lack of any attempt at self-assessment or review of how policy is made. Referring to the only attempt made in recent years by the Home Office to review policy, King and Elliott make a relevant comment.

But in retrospect, and perhaps to a few observers at the time, the truly remarkable thing about "Penal Practice in a Changing Society" was that it expected that its aims could be achieved by new building and staff training, and without major overhaul of the creaking administrative structure and unwieldy procedures which had grown up over three-quarters of a century. Its concern for science and professionalism was directed solely to understanding the causes of crime and finding better ways of treating it, not at all with the management of the prison system itself and the control of the establishments which make it up. (1977, p 8)

Much of the confusion surrounding the goals of the prison system can be analysed in terms of poor managerial practices. The significant factor is often not the impossibility of achieving the goals if set at their proper levels but their inaccurate implementation, consequent in part at least on poor techniques of evaluation. Duffee (1975, p 33) suggests that there are three major possible system frameworks within which to fit the behaviour of prison management and its consequences. It can attempt to be a closed, self-contained organisation with unchanging parameters. It can be an open system with boundaries which change as its operation develops. Or it can be a learning system; that is, an open system which is capable of changing its own internal structure in order to improve production or goal achievement. In order to meet the last set of criteria a prison

system would require goals which were clearly stated, the ability to measure significant deviation from these goals and a strategy to deal with any deviation. The crucial element in such a system, concludes Duffee, is management.

Essentially, it is on the ability of correctional management to adapt and improve that the evolutionary fate of correctional organisation depends.

A basic but fundamental factor in achieving such a system is a clearly understood method of internal communication. The prison grapevine can only flourish where there is a lack of information. Research shows that the more communication of a formal type which exists, the more informal communication there will be. This is particularly so where information comes through democratic decision rather than by being handed down. The normal organisational pattern shows a positive correlation between the amount of activity in formal and informal networks.

Foucault (1975) has described how pressure from the reformers in the 18th century led to demands that power be exercised in a legitimate rather than an indiscriminate manner and that criminal justice should not exact revenge but should punish the wrongdoer. The art of this new punishment was to find a sufficient level of disadvantage to rob crime of its attractions. This led in due course to a more general use of imprisonment whereby the seriousness of crime was to be reflected only in the length of the period of imprisonment. Prison was now to be used ad puniendos, not solely ad continendos homines. From the earliest days of 19th century reform the punishment of imprisonment was linked to a technique of disciplining prisoners in such a manner as to ensure docility and utility. In due course this notion was further developed into that of reform or rehabilitation. The penal machine concentrated not primarily on the offence, nor even on the offender, but rather on the "delinquent". It was no coincidence that many of those most closely involved in the development of the prison system have been (and often still are) closely affiliated to recognised religious bodies. There is a highly moral element in the modern notion of imprisonment, based as it is on a criminal justice process which is concerned with assigning guilt to

individuals in a manner which denotes it as a secularisation of the older ecclesiastical system of identifying the wrong-doer and exacting punishment in expiation of guilt.

This development took the prison system beyond its criminal justice roots into the arena of social welfare, to the suggestion that it was sometimes appropriate to send individuals to prison "for their own good" or "for training". What we now have to recognise is that the only proper way to consider the prison system is within the context of a criminal justice system (McClintock, 1980). One of the first consequences of such a model would be seen in the courts where sentencing would be based on principles of justice rather than the intention of controlling crime. In other words, not only the prison system but the whole criminal justice system would be drawn back into a penal model.

As far as the prison system itself is concerned it would be underpinned by the notion of "justice-as-fairness" (Fogel, 1975, p 204). Only those individuals for whom there was no other alternative disposition would go to prison, and then for the shortest possible time. While in prison they would be able to take advantage of opportunities for self-improvement although these would not be a condition of freedom. We would substitute "facilitated change for coerced cure" (Morris, 1974, p 27). This would be more in keeping with the view which prisoners have long held of so-called rehabilitative tools; they dismiss them in that guise but welcome them as a means of ameliorating the bleak conditions of imprisonment (Stastny and Tyrnauer, 1982, p 209). Humane treatment of prisoners would be acceptable simply for what it was. There would be no need to cloak it in a rehabilitative jargon. Such a definition of purpose would make the task of the prison officer much more precise.

The amount of "training" in which officers can become involved in respect of prisoners is slight, because of the reality of the conflict in a modern prison system between control and reformation. This is not to be confused with a more modest goal which would be that officers should treat prisoners decently and humanely. But the vague aim of making officers quasi-social workers had an especially dysfunctional effect. (Thomas, 1980, p 147)

I have already indicated that the difficulties facing the prison system are structural in nature rather than related to the quality of personnel. At the same time, we assume the integrity of the prison staff, an integrity which will allow them to exercise humanity in the inhumane world of prison. Keeping fellow human beings confined is a complex and difficult task. In order to exercise it properly an officer must gain the legitimacy needed to exercise his authority effectively. The means to earn this legitimacy is consistency in the handling of inmates, a consistency which will allow the officer to shift from reliance on formal authority to a more personal type of authority (Lombardo, 1981, p 74). This development is more likely to occur if the officer is quite clear as to the primary purpose of imprisonment and, by extension, his own primary role.

If we allow this model of imprisonment to flower we shall sound the death knell of the spectre of executive justice which "casts deep shadows across the light of freedom under the law" (Morris, 1976, p 127).

# THE PLACE OF THE PRISON OFFICER IN THE DEVELOPMENT OF THE SCOTTISH PRISON SERVICE

## 4.1 Introduction

It is in fact remarkable how little serious attention has been paid to prison officers in the quite extensive literature on prisons and imprisonment. It is almost as though they were, like the postman in GK Chesterton's celebrated detective story, so commonplace and routine a feature of the scene as to be invisible. Yet their role is clearly of critical importance. (Hawkins, 1976, p 85).

The importance of the position occupied by the prison officer has not gone entirely unrecognised in English literature (Thomas, 1972; Evans, 1980). The more discerning among practitioners as well as academics have recognised that in relative staff terms the number and influence of the prison officer class is so overwhelming as to be pivotal in any scheme which attempts to influence either the administration of the prison system or regimes for prisons. Even today one is quite likely to discover a polarisation of attitude within society at large towards the prison officer to the extent that many prison staff are reluctant to disclose the nature of their occupation to social acquaintances. John MacLean's biographer described prison staff as being "specially chosen from the army, the police force and from mental hospitals, for their hardness and brutality" (Milton, 1973, p 126). Sir Evelyn Ruggles-Brise, writing of the same period, was of the opinion that "discipline with kindness is the watchword of our Prison Staff" (Ruggles-Brise, 1921, p 10). The ambivalence of some prison officers towards the status which their work commands was indicated in the response to my survey. 34.6% of respondents reported that they would not be very keen if one of their children wanted to become a prison officer and 21% would be opposed to the idea.

In chapter two I traced the organisational development of the Scottish prison system in order to demonstrate the particular influence which prison staff have had on the service. I described how this emphasis can be traced back to William Brebner, who had already trained a cadre of efficient staff at Glasgow by the time Frederic Hill, the first



Inspector of Prisons, came on the scene in 1835. The latter took up this theme and devoted considerable space in his early annual reports to the need for the recruitment and training of suitable staff. The Prison Commission and its successor the Prisons Department continued management's recognition of the central role played by staff, a feature emphasised much more in Scotland than in England. This management style was certainly assisted by the relatively short lines of communication in such a small service but, I have argued, it was also the result of a deliberate policy of involving staff at lower levels in duties which were much more than custodial. Since 1929, with central management of the prison service located firmly within the mainstream of the administrative civil service, management has dealt with the staff, particularly as represented by their trade union, on a formal level in terms of the pressure which the latter were able to bring to bear. In practical terms this has given staff a significant say in the management of the service.

Having previously analysed the influence of staff from a management perspective, my aim in this present chapter is to turn the focus directly on staff. I shall do so first by examining the conditions of service under which staff were recruited and the effect which this has had on the manner in which their role has developed. A useful method of doing so is within the context of the various departmental committees of inquiry which have been established at intervals to investigate this subject; these were the Glasgow Committee (1891), the Stanhope Committee (1923), the Wynn Parry Committee (1957) and the May Committee (1978). One means of establishing the status and also the appropriate level of pay of any group of workers is by reference to another group which constitutes an agreed point of comparison. A continuous thread in the evidence laid before all of these committees by staff was the claim that the relevant point of comparison for prison staff should be the police. The argument presented by prison staff was a simple one. The primary task of both groups is to control offenders. If comparisons of relative levels of danger and difficulty in how these tasks are carried out are to be made, they pointed out that, whereas the police have simply to track down and arrest the most dangerous individuals in society, they, the

prison staff, have to control them and indeed to live with them day and daily.

Police and prison officers are recruited from the same sectors of society and historically in Scotland their roles were frequently interchangeable. This fact is underlined by an investigation of the growth of trade union activity with its roots in the clandestine National Union of Police and Prison Officers. Following the strike of police and prison officers in 1919 management, which in this context meant principally the Home Office, was able to drive a wedge between the trade union activities of police and prison staff. The police were effectively neutralised as a trade union force. Prison officers, on the other hand, refused to accept the "house union" of the Prison Officers' Representative Board and were eventually able to argue that as civil servants they were entitled to all the benefits of free trade unionism. The Prison Officers' Association had from its inception a semi-autonomous Scottish Branch which in 1967 became affiliated to the Scottish Trades Union Congress as the Scottish Prison Officers' Association.

A major operational distinction between the Scottish Prison Officers' Association and the Prison Officers' Association is the way in which the national executive committee of the former body has been able to retain tight central control over its members to a degree which has been impossible in England where a significant level of decision-making has been delegated to local branches. An important result of this centralisation in Scotland has been the facility which it has afforded the trade union to push on a national basis for a more participative form of management for the Scottish Prison Service. I shall argue that, given the particular form of management structure within the service, participative management already exists in practice to a greater degree than either management or union appreciates.

In view of the way in which he has been able to influence the findings of various departmental enquiries and the management practices in the service one is entitled to ask whether the role of the basic member of staff has changed fundamentally since the mid 19th century; whether the change of title from turnkey, to keeper, to

warder and finally to prison officer, has denoted any change in basic task. There are one or two key areas in which a pragmatic form of participative management is most obvious. This chapter concludes by discussing one of them, the method adopted within the Scottish service for managing difficult prisoners who require particular forms of control. This method has involved an attempt at what one might describe as cure rather than prevention. That is to say, having discovered post factum that some prisoners are difficult to control, a strategy for segregating these prisoners into groups has been developed. This removes their influence from the mainstream of the prison population, labelling them as control problems who require to be managed in a distinctive fashion. This system has been developed in a cumulative manner, each developmental step being a response to pressure from the Scottish Prison Officers' Association, often as a result of individual incidents, a response which has been hammered out in a participative forum, normally expressed through a working party. The primary objective of the trade union side in influencing the development of these responses has been the physical protection of its members and the system developed has been largely successful in achieving this objective.

In responding so directly to pressure from the staff, management has neglected the opportunity to embark on a more radical re-assessment which might have investigated the possibility that some conditions within the system create, or at least encourage, the extreme behaviour of some of these difficult prisoners and that in these instances prevention before the disorder rather than cure after the disorder might have been an option. Such a re-assessment of regimes would inevitably have involved a re-assessment of the role of the prison officer. The fact that this has not taken place leads one to conclude that the basic task of the prison officer has not changed in the past 150 years; it remains that of secure custody of the prisoner, a task which is best carried out in conditions in which control can be maintained. This conclusion is not surprising given my basic contention as to the primary goal of imprisonment.

## 4.2 Pay and Conditions of Service of Staff

The newly appointed General Board of Directors turned its attention to the recruitment and training of staff at an early stage in its proceedings. Within a few months of entering office in 1839 it asked the Inspector, Hill, to report on the subject. The latter responded that the recruitment of competent staff was more important than prison architecture, finance or discipline. He warned the Directors that if they wished to obtain good staff they would have to be clear in their own minds as to the necessary qualifications. Staff had to be "superior in habits to the ordinary run of the working classes", of sterling honesty, sober and industrious, intelligent, kind and even tempered but also firm, able to read and write and interested in their work. He was realistic enough to point out that if men with such qualifications were to be recruited an attractive salary would have to be offered.

### Pay

With respect to pay one of the earliest points of comparison was with police officers. This is a comparison which the staff have themselves wished to maintain throughout the years and which they still draw on today. In 1841 the newly appointed Governor of the General Prison at Perth discovered that policemen in Glasgow earned between 13s. and 20s. a week while their counterparts in the prison earned 18s. The police in the City of Perth were the lowest paid in the country at 10s. 6d. a week; the officers in Perth County Prison earned 14s. a week. At the higher level, the Superintendent of Police for Glasgow, the most senior officer in the city, found it worth his while to transfer to the post of Governor of the city prison in 1845. (1)

### The Glasgow Committee (1891)

Prior to centralisation the pay of warders in Scotland was lower than the average paid in England; a fact which reflected a more general lower level of pay in Scotland compared to England. This differential continued after the Prisons Acts of 1877 when the Scottish

Commissioners decided that their warder staff should be paid at the equivalent of the English assistant warder. The Annual Report of the Prison Commissioners for Scotland for 1889 (p 12) notes that in the 12 years since the Commission was set up the average rate of pay to warders had increased from £61 18s 4d to £72 5s 10d, an increase of 16.8%. In 1891 the warders at Peterhead submitted a petition "praying that they may be placed on the same scale as Warders in the same position in England". The Prison Commissioners supported this petition, pointing out to the Secretary for Scotland that this had already happened in the case of other public servants such as policemen and postmen. They suggested that a committee be set up to enquire into the pay and hours of duty of subordinate staff. The Secretary responded on 7 August 1891 by appointing the Earl of Glasgow to chair a committee "to consider some questions which have been raised by the subordinate staff regarding pay, hours of duty, etc." (SRO, HH57/188)

The Board of Trade gave evidence to the Glasgow Committee that average wages in Scotland were 5-10% lower than in England except in the "well-organised" industries such as mining, ship building and engineering, where they were almost equal. It was reported that the maximum annual pay of a second class warder was £75.0.0, compared to a maximum of £72.16.0 for a police constable in Edinburgh; first class warders received a maximum of £90.0.0 compared to £88.0.0 for sergeant, and head warders £135.0.0 compared to £120.0.0 for Inspectors of Police. The Governor of Edinburgh Prison at the time was still paid on the old County Board scale at a level of £850 while the comparable new scale was £500; the Chief Constable of Edinburgh was paid £700.

Recruits to the prison service had to be between 22 and 40 years of age (members of the armed forces were eligible until 45) and at least 5 ft 7 inches in height. Candidates were required to pass examinations in arithmetic, handwriting and spelling and had to be of "unexceptionable moral character, and of undoubted sobriety". Warders worked an average of nine and a half or 10 hours each day, commencing at six o'clock in the morning and working, with breaks of

two hours for meals, until five or seven o'clock in the evening. They had alternate Sundays off as well as a half holiday on alternate Saturdays. Ordinary warders were entitled to two weeks' leave each year.

The Committee's recommendations, which were duly accepted by Treasury, were that the maximum pay of head warders should be increased to £150 per year but that those of first and second class warders should remain at £90 and £75 respectively. There was, however, one significant concession, for which staff representatives had argued strongly in their evidence, that of free-quarters or rent allowance in lieu thereof. In addition, warders at Peterhead Convict Prison were to receive an inconvenience of locality allowance of £8.0.0 yearly.

One of the main features of the Glasgow Committee was the precedent which it set. Pressure from a group of staff, in this case at Peterhead, had resulted in the establishment of a committee of inquiry. The evidence taken by the Committee allowed the staff to establish their point of comparison.

(Chairman) Do you think the work of a Warder compares with work in the Army? Sentry-go, for example?

(George Smith, First Class Warder, Barlinnie) It is a great deal harder than Sentry-go. It is harder than the work of a police constable also. I have tried them both.

Take a railway porter, he is paid much less than you are?

But a railway porter does not compare with a Prison Warder at all. He is not locked up in prison. He is out in the centre of life. There is a great difference between them, I think. (2)

This was the point of comparison which was to be stressed consistently by staff to subsequent committees of inquiry. Like the police the basic task of prison officers was to control the criminal element in society and prison staff were entitled to the same conditions of service as the police.

## The Stanhope Committee (1923)

The next significant alteration to pay occurred in 1910 when staff were brought on to the same scales as their English counterparts. Another pay rise was awarded in 1913 and in 1919 a "substantial" increase was awarded. In 1923 a committee was set up under the chairmanship of Earl Stanhope "to Inquire into the Pay and Conditions of Service at the Prisons and Borstal Institutions in England and Scotland and at Broadmoor Criminal Lunatic Asylum". For the first time evidence was taken from representatives of the two staff boards which had recently been set up within the services, the Superior Officers' Representative Board and the Prison Officers' Representative Board for England. The Prison Officers' Representative Board for Scotland was represented by its chairman, a guard sergeant at Peterhead, and by the Head Warder of Aberdeen Prison. The Report of the Stanhope Committee opened with a testimony to the high morale which it found throughout the service and the mutual good feeling which existed between the higher ranks and their subordinates. What the Report went on to recommend did nothing to maintain either of these features. The chairman of the Superior Officers' Representative Board at the time wrote in his memoirs that the Committee

produced some lukewarm recommendations which improved the pay a little for the superior officers and a very little for everybody else. The long-awaited report, in fact, gave a slight measure of satisfaction and caused infinite disappointment. (Rich, 1932, p 133)

With respect to pay the main thrust of the prison officers' argument had again been for parity with the police on the grounds of equivalent responsibility. Stanhope was quite unequivocal in its refusal of this claim, finding the responsibilities of the police and the qualification of initiative and resources required of them to be "definitely superior" to those required of members of the prison service. The Report insisted that it did not wish to under-rate the qualities required of the prison officer but paid him the doubtful compliment of being "especially impressed with the monotony of his life" (paragraph 11). The Committee found that officers were recruited from the skilled artisan class and concluded from available

figures that their pay compared favourably with that in the better paid occupations outside. As a result of these findings the Committee concluded that existing pay scales were adequate both in relation to the character of the work and the type of man they were meant to attract. It did recommend limited increases at the maximum of the officers' scale and larger increases for Principal and Chief Officers. The Report noted that the pay of governors had remained largely unaltered since 1878 but that the character of their work and the type of man required for its proper performance had changed almost completely. For these reasons substantial pay increases were recommended for governors in England.

In a separate chapter dealing with Scotland the Report recommended that its comments on prison officer grades should apply equally to the English and Scottish services. As regards governors, however, the Committee commented on the fact that establishments in Scotland were generally much smaller than English prisons and that, in a more centralised service, less was left to the initiative of individual governors. It did note that governors in Scotland had an additional responsibility to find work for prisoners. The Report concluded that governors in Scotland should be paid on a scale one below the equivalent rank in England with the proviso that the Governor of Barlinnie Prison should receive an additional pensionable allowance of £100 yearly.

The Stanhope Report was dismissed by officers as a farce and a "class" report (Thomas, 1972) and it did much to harm the credibility of the infant Prison Officers' Representative Board. The staff continued to press regularly for pay increases, frequently arguing the analogy with the police. In 1937 they won the right to take their case to arbitration and the following year a tribunal made a substantial award, although still without reference to police rates of pay. In 1939 improved rates for overtime pay were introduced, several of the allowances for which staff were eligible were made pensionable and the hours of duty were reduced from 96 to 88 per fortnight. In 1946 the Prison Officers' Association submitted a further claim arguing once again for parity with the police who had recently been granted a pay increase. The claim was substantially



conceded by the Prison Commissioners in January 1947. In 1948 the Oaksey Committee awarded pay increases to the police. The Prison Officers' Association followed this with a similar claim which, although rejected by the Commissioners, was subsequently conceded by an arbitration tribunal in 1950. The success of these two claims for parity with police pay scales was regarded by the POA as an important milestone in their struggle for improved conditions. In their evidence to a 1954 arbitration tribunal they quoted Sir Alexander Paterson as their authority:

To ensure the services of a grade of men worthy of this career and capable of meeting its demands, the penal administration must offer pay at least the equivalent of the Country's Police.  
(3)

#### The Wynn Parry Committee (1957)

The steady stream of recourse to arbitration on pay matters and continuing dissatisfaction with conditions of service led to the establishment in 1957 of a committee under the chairmanship of Mr Justice Wynn Parry to enquire into the remuneration and conditions of service of both officer and governor grades in the English and Scottish services. The Wynn Parry Report, which was published in 1958, was to stand as the seminal document on the pay and conditions of service for prison staff for 20 years. It enunciated the principle, frequently referred to by staff in succeeding years both with reference to other parts of the civil service and to outside agencies, that the prison service was sui generis (paragraph 7). It dismissed the POA demand that all promotions to the governor grades should be made from within the service while at the same time concluding that because of general problems of undermanning it would be inappropriate to raise the entry standards in any significant way. The POA had complained at the slow rate of promotion for officers. The Committee recognised this fact but saw little alternative in view of the fact that there was so much routine work to be done, which was a way of re-stating the Stanhope Committee's observation on the monotony of the officer's work. The only suggestion which Wynn Parry had to make in this area was that a vocational examination should be introduced, success at which would entitle an officer with at least 10 years' service to be paid at the minimum of the Principal

Officer scale. The Committee compared unfavourably the treatment meted out to staff as opposed to that enjoyed by prisoners:

In short we saw living and working conditions which can only be described as Dickensian. Substantial improvements have been made for the prison population with the emphasis now on training and rehabilitation, but in our view parallel improvements have not been made for the staff. (paragraph 52)

As far as governors were concerned the Report ruled against their claim that they should have the same entitlement, which had been given to officers by the Elliott Committee in 1919, to two years' pension for every year worked in excess of 20. They did, however, recommend that Scottish governors should be given equal rates of pay to their English counterparts.

With respect to pay the Committee recommended that entry pay should remain virtually unaltered but that there should be an 11% increase at the maximum of the scale. The Principal Officer maximum was to be raised by no less than 30% and Chief Officers were to maintain their existing differential with junior grades. There were to be consequential increases for senior grades in order to maintain internal relativity. With regard to future pay movements the Committee recommended that governors should be linked broadly to the executive class of the civil service. The majority of the Committee recommended that there should be a link between prison officers' pay and that of agreed ranges of civil service pay.

The general terms of the Report were highly satisfactory to staff. A leader in the Prison Officers' Association magazine of December 1958 commented:

The Report of the Wynn Parry Committee marks a stage of the greatest importance in the development of conditions of employment in the Prison Service. The recommendations deserve whole-hearted support not only from those employed in the Service but from all concerned with its well-being and with modern penal methods..... The Report is, indeed a great contrast with the perfunctory and unsatisfying report of the Stanhope Committee of 1923, whose conclusions gave such little comfort to Prison Officers and have, until now, bedevilled persistent efforts to improve conditions. (p 305)

Despite the fact that the Wynn Parry Report was so well received by staff and continues to be quoted in pay negotiations in 1986 it in fact finally established the principle that the point of comparison for pay of prison staff should be, not the police as the staff argued, but rather the administrative grades of the civil service. This factor went virtually unnoticed in the general euphoria over the amount of pay increase awarded. The confirmation of this point of comparison was welcomed by the official side in their continuing effort to bring the prison service within the mainstream civil service.

#### The May Committee (1978)

There remains one more Report to be discussed in respect of pay and conditions of service, that of the May Committee which enquired into the United Kingdom Prison Services and reported in October 1979. The background to this Committee has been fully described in chapter two. Although it was set up as a result of continuing poor industrial relations in the prison services the immediate impetus for the establishment of the Committee was a long-standing demand by the POA in England and Wales for payment for meal-breaks taken within duty hours, a claim for what was described technically as continuous duty credits. These did not apply in Scotland and consequently need not interest us here other than to remind us that, not only was the May Committee set up primarily to deal with matters relating to pay and conditions of service for staff, in fact it was to deal principally with a very precise element in this field.

The first conclusion drawn by the Committee in the chapter of its Report which deals with pay is a critical one.

Prison Service grades are to some extent an isolated and inward looking group who may not always appreciate the true value of the pay and other benefits, for example housing and superannuation. (paragraph 8.3)

Prison staff had been looking to the May Committee to produce a pay formula which would once again relate to police scales of pay, particularly in the light of the Committee of Inquiry on the Police (1978) which had recommended a significant increase in police rates of

pay. May recognised that this comparison was being made but reached no explicit conclusion on the matter although by implication it was rejected in the recommendations, particularly that which advised that the Wynn Parry formula should continue to apply. The Committee went to some trouble to establish outside comparisons for prison staff earnings. As a result, it concluded first that junior prison service grades stood well - and even better if free housing, free uniform and non-contributory pension were considered in addition - in comparison with average gross earnings but that they had to work nearly nine hours more each week on average than manual workers to do so and second that officers' earnings with or without overtime had not lost any real ground since 1958. The Committee concluded that a large increase in basic pay was not justified but that there should be increases to reflect more difficult control problems and the need to recruit more staff. There was general discontent both within and without the prison services at the failure of the May Committee to undertake a radical re-appraisal of the role of the service, although given the initial narrow justification for the establishment of the Committee this was not surprising. It was more unfortunate that the report failed to take the opportunity to grasp the nettle of the labyrinthine prison officer pay structure. It noted that overtime payments for officers amounted on average to almost 60% of basic pay. It argued on the one hand that the various allowances and overtime payments should be consolidated into basic pay while on the other concluding that basic pay could not be significantly increased because of the amount of the other elements of pay.

### Conclusion

There are two conclusions to be drawn from this analysis of how the pay structure of prison officers has developed. From the staff point of view the foundation of all pay claims this century has been parity with the police. The basis of this comparison has been that the main function of both occupations is the control of offenders. This is not surprising when one considers that prior to the establishment of a separate prison staff in the 19th century the two offices were

frequently interchangeable and often carried out by the same individual. When levels of pay for prisons staff were set in Scotland in the mid 19th century the point of comparison used by management was indeed the police. Furthermore, in the early years of this century the first attempts at forming a staff association were undertaken jointly by police and prison officers. Indications of the continuing importance of this relationship between police and prison officers was given in two of the responses to the survey of prison staff which I undertook. 14.8% of those responding had previously worked as policemen and 59.3% were of the opinion that the skills which were required of a prison officer were quite similar to those required of a policemen.

The first official refusal to treat the two services on a basis of parity came from the Stanhope Committee in 1923. This, linked with the fact that this Committee refused to concede virtually any increase in pay for officers, has guaranteed the staff opinion that this was the most unsatisfactory report to come out of any committee of inquiry into the prison service. In the 1930s and 1940s prison officers were able, by skilful use of the newly-opened access to industrial tribunals, to gain and maintain virtual parity with police rates of pay. Prison staff today still speak enthusiastically of the Wynn Parry Report of 1958 which granted substantial increases, although as far as governors were concerned it sounded the death knell of any realistic hope of achieving the "two for one" superannuation provisions to which officers are entitled; that is, the award of two years' superannuation for each year worked in excess of 20. In the long term, however, Wynn Parry did not help the case of prison staff since it established that the broad base of comparison for prisons staff pay should be, not police, but the rest of the civil service. The May Report confirmed this arrangement and this fact, coupled with the separate arrangements made for police following the Edmund-Davies Report of 1978, has left prison staff well adrift of police to the extent that it is hard to imagine that they will ever regain parity of pay. This is an important conclusion in so far as it affects the status of the prison officer and the role which society expects of him as one element in the "law and order" process.

The second conclusion to be drawn is that no committee of inquiry has been able to unravel the arcane combination of basic pay, some dozen or <sup>50</sup> allowances, substitution and overtime payments which go to make up the pay packet of the prison officer. The May Committee was driven to comment "that in a number of cases officers cannot fully understand of what their pay is composed" (paragraph 8.29). There are several reasons why this complicated system of pay has developed. One typical example relates to the various housing allowances. In the mid 19th century most staff were accommodated within the prison perimeter. This arrangement compromised security and as an alternative separate staff quarters were built outside the prison but within the immediate vicinity so that off-duty officers would be available in the event of an emergency. Staff were charged a rent for this accommodation but in 1891 the Glasgow Committee recommended not only that quarters should be free but also that a rent allowance should be paid to staff for whom accommodation was not available. Until 1980 the vast majority of staff stayed in prison quarters. In that year, however, staff were given the entitlement to purchase quarters at discounted prices. Many of them took this opportunity and on subsequent transfer moved to private housing. This now allows them to take advantage, not only of their entitlement to allowances as prison officers, but also of the various allowances available to all civil servants. Responses to my survey showed that the availability of a free quarter or rent allowance had been an important attraction to 42% of respondents on joining the service. 40.7% of respondents stayed in their own house in addition to 22.2% who had bought their prison quarter. This change in pattern has had a significant fiscal effect on management. Instead of being able to transfer an officer from one prison to another at minimal public expense Personnel Division now has to lay aside a significant sum of money for each transfer.

In addition to the many allowances the system of prison officer pay is complex. Each officer receives a 12.6% increase in basic pay as a "shift disturbance allowance"; this is paid even to officers who are not required to undertake shift work. Officers are conditioned to working any five days out of seven but receive additional payments

for working at weekends and on public holidays. This complicated pay structure has developed partly as a means of avoiding substantial increases in basic pay and through the mechanism of making some allowances non-pensionable. The major influence of this piece-meal development, however, has been the absence of a clear consensus as to the role of the prison officer. The officer, as described above, has wished to place himself alongside the police as belonging to a major "law and order" occupation. Prison service management has wished to place the prison officer within the mainstream of the civil service. However, in order to accommodate the 10 grades between prison officer and governor class I within a structure comparable to the administrative class basic pay in the prison service has been artificially compressed but compensated for by a plethora of other payments.

This complex system of payment has wider implications in that staff may well pursue methods of working which are likely to increase their levels of gross pay without having regard to whether or not all of these methods are of benefit to the service; equally they may be opposed to any changes in working patterns or regimes for prisoners which threaten any of these payments. The working day in a prison extends for 24 hours and covers seven days in each week. The system which exists at present includes premium rates of pay for any period outwith a normal Monday to Friday. In addition, shift patterns in England often involve overtime rates of pay for any time worked outwith eight am to five pm. Such an arrangement provides a "dripping-roast" for staff in terms of additional payments. For some years now the Home Office has been trying to produce a salary package which will consolidate additional payments into basic pay in an attempt to get to the root of this problem. There are as yet no indications that they will succeed.

### Promotion

A useful field of study in any organisation is the type of promotion opportunity which it can offer to staff and the method which it follows for appointing staff to promoted posts. When in 1862 they

were setting pay scales for the General Prison at Perth the Managers advised the Secretary of State that they did not see the necessity in Scotland of having three grades of warders and accordingly proposed that the general body of warders should be paid on the same scale as that of the lowest grade, the assistant warder, in England. They confirmed this in 1873, stating that their principle was "to avoid any accumulation of discipline officers between the Governor and the Warders in actual charge of prisoners" (4). One of the main reasons advanced for adopting this principle was that:

It may be questioned whether ambitious people watching for promotion are the most available for the steady quiet routine of a warder's notice. (4)

This restriction of grades was continued in Scotland after 1877. The only two grades in Scotland were Chief Warder and Warder whereas in England there were two intermediate grades. The Prison Commissioners for Scotland at first retained the limited number of grades but within a dozen or so years had recognised the need for an additional grade, giving it the title of First Class Warder while the most junior grade was known as Second Class Warder. In due course the English title of Principal Warder was introduced.

Promotion beyond the grade of warder was based almost entirely on seniority. The Stanhope Report of 1923 recommended that more weight should be attached to individual merit (paragraph 49). It suggested that a qualifying examination should be introduced, containing both educational and practical elements, before an officer would be eligible for promotion to Principal Officer and that subsequent promotion to Chief Officer should be entirely on merit. In its evidence to the 1938 arbitration tribunal the Prison Officers' Representative Board stated that fewer than 7% of officers could hope for promotion to the grade of Principal Officer and only 1% had any reasonable hope of going beyond the prison officer class (5). The Prison Officers' Association claimed in evidence to the Wynn Parry Committee in 1957 that promotion in England and Wales from officer to Principal Officer took 19 years, from Principal Officer to Chief Officer II eight years and that it took a man 29 years from his date of joining the service to reach the rank of Chief Officer I (6). The



Prison Commissioners agreed with this evidence and, almost proudly, confirmed that if an officer was considered qualified for promotion he stood "no danger of being jumped by a junior officer regarded as better qualified" (7).

The Scottish Home Department pointed out in evidence that the promotion procedure was different in Scotland. All officers were called by seniority to a testing panel "which assessed their potential character". They then appeared before a selection board consisting of three headquarters' officials and three governors.

This board awards to each candidate a numerical marking, and the names of the candidates are sorted out into an existing list in numerical order. The candidate at the top of the list being the first choice for promotion subject however to weight given for seniority. Special reports are obtained from the governors and senior officers for all candidates near the top of the list, and, if favourable, these men (according to the number of vacancies) are recommended for promotion. The names of successful candidates are circulated to all establishments by means of a circular which also invites appeals from any officer who may be senior to any officer nominated for promotion. (8)

Unfortunately there is no indication in the evidence of the average length of time for promotion under these arrangements in Scotland. The Wynn Parry Committee noted the difficulty but made no recommendation other than that a vocational examination should be introduced and that any officer who passed it should be paid on the minimum scale of the Principal Officer grade (paragraph 22). The examination was introduced in 1959 as a pre-requisite for attendance at a subsequent promotion board. Officers with a minimum of 10 years' service who passed the examination received a pensionable allowance of £1 per week until such time as they were promoted. The Prisons in Scotland Report for 1961 (paragraph 181) notes that 58 of the 108 officers who sat the examination that year reached the qualifying standard.

The question of grading of staff was next taken up by the Mountbatten Report in 1966 which concluded that the proportion of promoted ranks was not sufficiently high to supervise the basic grade (paragraph 9). Rather than simply increasing the number of higher

ranks Mountbatten recommended the introduction of a new grade between those of officer and Principal Officer. This recommendation was accepted by the Home Office and the Scottish Home and Health Department (9). It was decided that members of the new grade would undertake a range of duties stretching into the Principal Officer field thereby enabling the latter to concentrate on more responsible managerial duties, even extending into those of the Chief Officer grade. The new grade of Senior Officer was also to participate in the more responsible duties of the basic grade. Success at the vocational examination was to be a normal requirement for promotion to the new grade. In Scotland this meant a reduction in the qualifying period for the examination from 10 years to seven years in 1968, to six years in 1969, to five years in 1970 and to four years thereafter. The title of Senior Officer given to the new grade by Mountbatten was unfortunate as the public did not immediately appreciate that a "senior prison officer" was in fact only once removed from the most junior grade. In 1971 the Scottish Prison Officers' Association asked that the title be changed to Principal Officer II, which it suggested would bring it into line with the designations for Chief Officer and Steward. The Scottish Home and Health Department was sympathetic to the request but was unable to adopt it in the face of strong opposition from the Home Office (10).

An officer is now eligible to sit the promotion examination on completion of four years' service. If he passes this and is marked as being fitted for promotion in his annual report he is then able to attend a promotion board. Despite this potential timescale those respondents to my survey who were in promoted posts had spent an average of 10.8 years in the basic grade before being promoted to Senior Officer. Chief Officers had spent an average of 23.7 years in the service before reaching that rank. This length of timescale indicates that promotion in the officer grades remains largely dependant on length of service.

### Training

In chapter three I analysed the central role which professional training plays in establishing the status of any group of workers. I

suggested that, while training of prison service staff could be described as highly desirable, it was hardly possible to describe it as essential. Staff have always been recruited after a basic process of selection based on the selection panel's assessment of a set of indefinable "attitudes" rather than objectively evaluated criteria. This analysis was given at least circumstantial confirmation by the fact that 39.5% of staff who responded to my survey, more than twice the percentage in any other category, were of the opinion that some feature of their "character" had helped them to get their job. No serious thought has ever been given by management in Scotland to laying down a minimum educational standard for recruits. I have described how an attempt in Canada to set the standard at graduate level has recently failed. Of the respondents to my survey, 16% had some passes at SCE Ordinary level, 32.1% had served an apprenticeship and 11.1% had a diploma in some form of tertiary education. Given the relative seniority of my respondents it is not unlikely that equivalent percentages will be higher among more recent recruits.

I have already described how the Gladstone Report of 1895 had little immediate effect in Scotland. One recommendation of Gladstone which was explicitly rejected by the Prison Commissioners for Scotland was that two or more prisons should be selected as training schools for all ranks of prison staff and should be placed under the charge of the most experienced officers, allowing probationary officers to be trained while in a supernumerary capacity (11). The Commissioners' opposition was based on the argument that duties for a junior officer in a large prison were not so varied as in a small one. They did not consider it desirable that one prison should be taken as a model for others nor that its officers should be seen as a model staff. They preferred rather that all staff should be equally efficient. This was a luxury which the first Inspector of Prisons had not had in 1836 when he had indeed used one prison, supervised by William Brebner at Glasgow Bridewell, as a training school for the whole country.

The first modern reference to the training of Scottish prisons staff occurs in the Report of the Prisons Department for 1937 (page 16) which notes the approval of both the Secretary of State and of Treasury to a proposal that probationary officers should be sent for a period of two months' testing and training to the Imperial Training School for Warders at Wakefield Prison. This was to be followed by one month of training at a Scottish prison. In 1937 the Wakefield course was extended to nine weeks. The training of Scottish recruits at Wakefield came to an end in August 1938. It was proposed that a course lasting nine weeks should be established at Barlinnie Prison but it was not until July 1946 that the classes began, each lasting only three weeks. In 1950 the Department indicated to the Scottish Prison Officers' Association that recruitment had recently reached a sufficient level to consider the introduction of a system of only two intakes of new staff each year who would undergo three weeks' training at a local prison before attending the Barlinnie class for nine weeks (12). This extended course did not materialise and at the 1954 annual conference of the SPOA its chairman made a plea to the Department to re-introduce training for recruits instead of allowing them to be "pitch-forked into the job" (13). The SPOA apparently took the view that the three weeks' course at Barlinnie, organised by a Principal Officer, could not be regarded as genuine training. Their view may well have been justified since, as was pointed out in evidence to the Wynn Parry Committee, officers under training were part of the agreed staff complement rather than supernumerary. By 1966 the initial training had been extended to five weeks, with an additional two weeks for Civil Defence training. In November of that year the Governor of Barlinnie, who had nominal oversight of the training, wrote to advise the Department that the instructors involved were working excessive hours during courses in order to complete the curriculum. He suggested that the course should be lengthened by one week. The Department responded by forwarding an amended syllabus which provided "for the omission of certain items and the telescoping of certain talks" so that the necessary material could be covered in the allotted five weeks (14).

The staff association continued to press the Department to develop more fully what came to be described as "the modern role of the prison officer", by which was meant an extension of tasks beyond the purely custodial. As a pre-requisite of this the SPOA sought a more professional form of training. At its annual conference in May 1963 the chairman of the SPOA called on the Department to establish a proper training school which could cater for all the needs of prison staff. The Department responded to this request and in November of that same year obtained the use of the facilities at the Civil Defence Training Centre at Bishopbriggs. Intermittent use was made of this facility as a back-up to the provision at Barlinnie until 1967 when all training was transferred to Bishopbriggs. On 27 July 1970 a purpose-built Officers' Training School was opened on a site adjacent to Polmont Borstal Institution. The Prisons in Scotland Report for 1970 described the new development thus:

The school's main function must meantime be the training of new recruits to the Service in a course which lasts six weeks. At the end of this initial course the recruits are posted to penal establishments and are on probation for a further period of 12 months, on completion of which they return to the school for a further week's training. All other grades of prison staff now have an opportunity of attending refresher courses whose purpose is to ensure that staff are kept abreast of new developments and able to meet the challenge of a changing penological situation. (p 1)

Sixteen years later the training of prison officers has changed little. The name of the establishment at Polmont has been altered to the Prison Service College and it now offers a wider range of development courses but its basic function remains the initial training of officers. That training, at six weeks, is the same length today as it was when centralised training was introduced to the newly-opened General Prison at Perth in 1842. The May Committee in 1979 regretted that it had not been able to examine staff training in as much detail as it would have wished. It did, however, feel able to make a conclusive observation:

Throughout our visits to establishments, and in our examination of the evidence submitted to us, we have reached a clear conclusion that training, at all levels, is neither as effective nor as comprehensive as we think it should be and that it is not

given sufficient priority at all levels in the service. We accordingly recommend that, as a matter of urgency, steps should be taken to carry out a searching review of all training facilities and programmes in order to ensure that the best possible provision is being made in this matter. (paragraph 7.39)

A review of training has indeed been carried out in Scotland. Whether it has been as urgent or as searching as May recommended is open to debate. The matter was first referred to one of the internal working parties set up by Prisons Group to examine the recommendations contained in the May Report. The report of this working party has now been referred to the Staff Training Sub-Committee of the Whitley Council which continues to steer it through the bureaucratic labyrinth.

The May Committee expressed particular surprise at the different lengths of training for new recruits in the three United Kingdom services and expressed the opinion that basic training should last for "something in excess of eight weeks" (paragraph 7.49). Basic training in England has recently been increased from eight to nine weeks. In Scotland it remains at six weeks. One of the arguments advanced of late has been that the Prison Service College should act as a resource centre and that much of the officer training should be undertaken at the various prison establishments. To assist in this development full-time Staff Training Officers have been appointed at all major establishments with part-time officers at the remainder. These officers operate under the aegis of local staff training committees. One of the greatest obstacles to the local training model is that, while the training officers have been appointed, no provision has been made for allowing staff to undertake any training. It is difficult to avoid the conclusion that little has changed since May observed in 1979 that training was neither as comprehensive as it should be nor given the priority which it deserved. Such an attitude to training has implications for any consideration of the developing role of the prison officer.

11.1% of the officers who responded to my survey expressed the opinion that their initial training had provided them with more than enough knowledge to carry out their job; 48% felt that it gave them

just about enough; 16% not quite enough and 23.5% definitely not enough. The significant responses to a question concerning specific areas of training were the high percentages who considered that they had received either not enough or no training at all in the areas detailed: 51.9% in technical matters, 60.5% in control of prisoners, 75.3% in human behaviour and 72.9% in theories of crime and punishment. It should be pointed out that 66.7% of my respondents had been in the service for 10 or more years. Nonetheless, I have already indicated that initial training has not undergone any radical review. Given the complaint that the prison officer was being restricted to a controlling function (Thomas 1972, p 171), one should perhaps not be surprised that officers noted a lack of training in the last two areas listed. On the other hand, given that management has been seen to emphasise the importance of the prison officer in carrying out what I have described as the primary role of the prison service, that of secure containment, one is entitled to some surprise at the high percentages dissatisfied with training in technical matters and in control of prisoners. Jones (1977, p 179) found broadly similar criticisms among English prison officers.

#### 4.3 The Growth of Trade Union Activity

The major function of any trade union lies in the relationship which it has with management. This relationship is normally expressed in a dual manner by dependency and conflict. The latter is often the more obvious aspect, both in terms of attracting public attention and as the inevitable result of the different interests which management and union represent. Dependency is also a key element of the relationship. It is management which recruits the future members of the union and both management and union have a common vested interest in the continuing welfare of the organisation (Etzioni, 1965, p 720). At the same time some of the activities of a trade union may be construed as an intrusion into areas which management regard as its province. In its concern for the welfare and security of staff the union may well find itself expressing an interest in the central

operating system of the organisation. How, when and in what manner workers carry out their work are such central issues. Attempts by a trade union to control these areas may represent a more serious threat of conflict as far as management is concerned than an issue which relates purely to pay. Such control is traditionally a management prerogative and any infiltration into this area by a trade union is likely to represent a personal threat to the managers concerned. One has, therefore, to be aware of the possibility of a struggle for power which goes beyond economic considerations. A further possible source of conflict may arise from the fact that unions, which are at least in principle democratically organised, have to justify their continued existence to members and on occasion are likely to feel a necessity to adopt a publicly belligerent posture. This may result in a form of conflictual behaviour which is not obviously justified by the economic issues at stake.

Some managers may take the view that their job would be easier without the presence of trade unions but in the long run the relationship between management and union may have a beneficial effect on the way the organisation is run. The union, for example, is a source of pressure for management to keep on its toes; it may represent an important incentive to improve techniques of operation. In such a setting management may invite the union to help in formulating policies for the organisation and may be prepared to accept and act on criticisms levelled against it by the union. This implies an increased influence or control by the union but it does not necessarily mean less control by management. On the contrary, it may make the union more receptive to the management's point of view. An outcome of this development will be that the active union member may well have a higher degree of job satisfaction than those who are not active.

Contrary to the common stereotype, therefore, the strongest supporters of labour unions are not disgruntled workers incapable of earning an average wage but the most satisfied and highest paid ones. (Blau and Scott, 1966, p 48)

All of these features of management/union relationships can be traced within the prison service through the historical analysis of the growth



of trade union activity. I shall argue that this is particularly true of the Scottish model which has developed in a distinctive way to the extent that it can almost be described in practice as participative management. There is one other influencing factor which should be mentioned in introduction. Research has shown (Etzioni, 1965; Blau and Scott, 1966) that union participation is likely to be high in situations where there is an "occupational community" in which workers have social as well as organisational contact and in which their families participate. Mining and shipping communities are obvious examples of this phenomenon; so also are prison staff communities.

I have already indicated that the continuing effort by prison staff to maintain parity of conditions of employment with the police has some of its roots in the early attempts at joint union activity. These were based on an understanding of common responsibility to society for control of the criminal and a consequent similar status in the eyes of society. In his study of police unionism Reiner (1978, p 19) suggests that the origins of this "right to confer" go back to the last three decades of the 19th century. There is no evidence of joint prison/police staff involvement in Scotland but I have described how the Glasgow Committee of Inquiry into pay of 1981 was set up in response to staff pressures.

In 1913 the Metropolitan Police Union was founded. It soon established a provincial branch and the following year became the National Union of Police and Prison Officers. Membership was illegal and its members were forced to hold clandestine meetings because of the vigour of official opposition. The union did not make much headway among prison staff although two warders were appointed to its executive committee. Home Office officials at the time told the Home Secretary that prison officers formed an insignificant element of the union but they expressed concern that, if the warders appointed the union to act on their behalf in connection with a pending pay claim, the union would have to be recognised. In the event, the case was not handled by the union (Reynolds and Judge, 1968, p 37).

Following a widespread and relatively successful strike by London police in August 1918 it was agreed that representative boards for the staffs of the various police forces and for prison officers should be set up. On 8 July 1919 a Police Bill was introduced to parliament which among other things set up a Police Federation, prohibited police officers from becoming members of any trade union and made it an offence for anyone to induce any policeman to withhold his services. Union activists described the Federation as "the goose club" to emphasise its inability to do anything other than march in step with the authorities (Reiner, 1978, p 26). On 31 July, in protest at these elements of the Bill, the National Union of Police and Prison Officers attempted to call a strike of all its members. Response was very limited among the police. As regards prison officers, 68 at Wormwood Scrubs and six at Birmingham Prison struck without prior notice. Like the police they had received previous notice that any man who refused duty would be dismissed and under no circumstances be re-employed. All strikers were duly dismissed. No policeman or prison officer in Scotland was involved in the strike. The cases of those men dismissed were subsequently considered by a Committee of Inquiry in 1924 chaired by Sir William MacKenzie which confirmed the dismissals.

The Prison Officers' Representative Boards, both in Scotland and in England, were in-house bodies which were prohibited from having any connections with an outside body. The MacKenzie Committee felt able to conclude:

In the case of the prison officers the Representative Board worked very satisfactorily. (paragraph 63)

That may have been the official view at the time, it was certainly not the view of the staff, nor was it the eventual view of the official side. In November 1950, addressing the annual conference of the Scottish Prison Officers' Association, the Establishment Officer of the Scottish Prison Service observed:

Rightly or wrongly, the staff were never satisfied with the working of this arrangement and a feeling of frustration continued to grow among them. (15)

In 1937 the Prison Officers' Representative Board was given the right to outside arbitration and to outside assistance in the preparation and presentation of its case. This was a gradual and grudging recognition by the government of the validity of the staff argument that, as civil servants, they could not be legally subject to any restriction other than that contained in the existing trade union legislation. In the longer term this facility confirmed a distinction which the staff did not wish to make between themselves and the police, who did not have the right of access to outside arbitration. Management was logically able to argue that prison staff had implicitly accepted that they were primarily civil servants rather than an essential element of the structure of law and order like the police.

In April 1940 the Prison Commissioners and the Scottish Home Department finally recognised the Prison Officers' Association. In Scotland a semi-autonomous branch with direct access to the Scottish Home Department through the machinery of the Whitley Council was established. The view of the Scottish prison staff was expressed by an entry in the April 1940 edition of the Prison Officers' Magazine, which had been operating for several years as the clandestine voice of the staff:

The Scottish Prison Service has cast the nightmare of the Representative Board into the realm of forgotten things.  
(p 100)

The final seal of government approval for the properly constituted staff trade union came in 1946 and was described by the chairman of the Scottish Branch of the Prison Officers' Association in his address to annual conference in September of that year.

This is a historic Conference for it is the first that you have had the honour of listening to an address from the Secretary of State for Scotland. This address, following as it does the attendance of Mr Chuter Ede at the English Conference in May is indicative of two very important things. First, it shows the Scottish Department recognises completely the Association as a partner in the work before us. Secondly, it proves that the Association has, by its tolerance and understanding of the Official Side's position, earned for itself a name as a body which has accepted its obligations with a sober understanding of all that implies. (16)

One may wonder at the reaction of officials to the patronising and ironic description of the Association's "tolerance and understanding" of their position. The final recognition of trade union status came with affiliation to the Trades Union Congress and the Scottish Trades Union Congress. The lead was taken in this matter in Scotland. A motion that the Prison Officers' Association should affiliate to the TUC was presented to the 1966 Scottish Annual Conference and in November of that year the Scottish office-bearers met with the General Secretary of the STUC to discuss affiliation. In the Spring of 1967 the POA duly affiliated to the TUC and the SPOA to the STUC. In organisational terms this could be described as the final break from any attempt at comparison with the police as a body. The Police Federation is explicitly prohibited from affiliation with the TUC or from any form of industrial action.

The office-bearers in Scotland were all serving officers who undertook their trade union activities in part-time capacity. Their professional credibility did not suffer since a steady succession of them in the 1950s and 1960s were promoted to the assistant governor grade. In 1963 a motion was presented to the annual conference that a full-time officer in Scotland should be appointed. On this occasion the motion was remitted but two years later it was successfully moved "that a Secretary from outside the Service would in the long run prove more beneficial to the members" and a committee was set up to investigate the possibility. The committee duly reported that this was not a practical proposition. In time the matter was reconsidered and the post of full-time Secretary was advertised in November 1970. At annual conference the appointment of John Renton, until then a Principal Clerk Officer at Perth Prison, was ratified. Mr Renton continues to hold the post of General Secretary of the SPOA. In October 1977 the SPOA began publication of "The Link", its own magazine.

Neither the government nor prison management took easily to the notion of trade union activity within the prison service. Prison staff had to fight every inch of the way for recognition and this memory in

England and Wales has influenced subsequent staff attitudes to management. Thomas (1972) describes the early situation in England.

And gradually there came to fruition that incipient feeling which had been noted in the period up to 1921, that all the organisational resources at a time of great stringency, all the articulated sympathy of the community, were addressed to the prisoner. This feeling on the part of officers is clearly justified by the evidence..... In these years of the boldest reforms the English system had ever seen, the officer was excluded from the socially approved work of rehabilitation. The controlling task, with its coercive overtones, was depressed and the status of its agent, the uniformed officer, was depressed with it. (p 171)

At this period staff experienced the frustration often felt by prisoners at the inconsistency of the application of rules. They were being told in response to pay claims that they did not merit parity with the police because they were civil servants; they knew what the rights of civil servants were and asked that these be applied to them, but they listened to the Home Secretary in 1944 announce in parliament,

I cannot accept the suggestion that rules applicable to the Civil Service generally are necessarily appropriate to discipline services, such as the Prison Service. (17)

Jacobs (1983, p 148) describes how some prison administrations in America continue to see staff unions as "a mortal enemy", intent on usurping their legitimate authority. This accusation could be levelled at prison management in England and Wales in the early part of this century and its existence goes some considerable way to explaining the attitude adopted by staff.

Morris and Morris (1963, p 217) describe the Prison Officers' Association in England and Wales as being, above all, a militant organisation. This cannot be said of the Scottish POA. It has never organised a full-scale strike, confining itself to threats of "work to rule", threats which were carried out in January 1973 at Longriggend Remand Unit in pursuit of a staff social club and later that same year in a matter affecting allocation of staff quarters at Barlinnie Prison. There have been subsequent isolated incidents. The reluctance of staff to take strike action is borne out in responses to my survey.

Only 8.6% thought that no form of industrial action should be allowed but 45.7% were of the opinion that there should be no right to strike. What has happened is that the Scottish Home and Health Department has over the years come to recognise, as the chairman of the SPOA claimed in 1946, that the Association is a partner in the work of the prison service. In chapter two I described how the management of the prison service, as a consequence of its location in the administrative civil service, is primarily a reactive organisation. In using its craft to recognise and reach an accommodation with pressure which is not transitory management has learned the necessity of working along side one of the most significant permanent pressures, that of the staff as a body.

It should be pointed out that management's task in this respect has been made considerably easier by the fact that the national executive committee of the SPOA has been able to maintain close links with its grass-roots membership in a manner which has allowed it to retain firm central control of branches in a way which has eluded the POA in England and Wales. While the management of the Scottish Prison Service would reject any suggestion of participative management its style of accommodation with the SPOA in practice has come very close to this. All trades unions which have members working in the Scottish Prison Service are members of the Whitley Council of the service and are frequently consulted by management in this forum on issues of policy.

Reference has already been made to the staff pressure to establish a training school and to develop training for staff, a pressure which continues to be exerted. In 1963 the POA issued a memorandum on the Role of the Modern Prison Officer which described in detail how the Association wished to see the role of the officer developed. This subject has been pursued with unfailing regularity at the annual conference of the SPOA and the present management support for the development of the role of the officer has undoubtedly been influenced by this pressure. One of the clearest examples of how staff have been able to influence and at times direct the pragmatic style of Scottish prison management has been in the politically

sensitive area of control of difficult prisoners. This item is worthy fuller description.

#### 4.4 The Management of Difficult Prisoners in the Scottish Prison Service

One of the great debates in the prison service in England and Wales over the last 20 or more years regarding the custody of maximum security prisoners has centred around the relative merits of concentration and dispersal (Coyle 1985 and 1986). The Mountbatten Report (1966) on prison security recommended that such prisoners should all be concentrated into one super-secure prison. The Radzinowicz Report (1968) on long-term imprisonment recommended that these prisoners should be dispersed around several prisons. The latter policy was adopted and has operated since then although there are now indications that concentration is coming back into favour. Because of the small number of prisoners involved and also because there were not the same pressures which led to the setting up of the Mountbatten Inquiry in England, Scotland never had to make the choice between the two models. It continued, as it had done since 1888, to locate its most difficult and violent prisoners in Peterhead Prison. This enforced restriction of choice turned out to have unforeseen benefits for it obliged the organisation to focus on the two issues which are fundamental in coping with the problem of difficult and violent prisoners. These are the relationship between staff and inmates and the separation of the prisoners concerned into small groups. The traditional forms of response to prisoners who refuse to conform to rules and regulations have been loss of remission or of other privileges such as association, recreation or earnings. These methods of control were sufficient in the first half of the century to allow staff to maintain consistent discipline in Scottish prisons. With the increasing freedom of association accorded to prisoners in the post-war period these forms of individual control were found to be insufficient to manage a very small group of prisoners who were determined to create maximum unrest, particularly

at Peterhead Prison. This was despite the fact that all inmates at Peterhead were, and remain today, in single cell accommodation. The unrest increasingly took the form of violence against both staff and other prisoners. The introduction of the Murder (Abolition of the Death Penalty) Act 1965 did nothing, in the opinion of some people, to check this level of violence. For a decade before the passing of this legislation the SPOA had been consistently arguing that its members were in an increasingly vulnerable position. At the Whitley Council in 1956 it had pushed for the construction of a separate unit to house those prisoners in the event of "no-hanging" legislation being introduced. The Department responded by stating that it shared the staff's concern and accepted that there was a need for a special establishment to house the troublesome element in Scottish prisons.

#### The Inverness Unit

A working party on inmate classification, on which the staff had an active voice, recommended in early 1966 that a unit to contain particularly difficult prisoners should be set up within Inverness Prison. This unit was seen as one measure to reduce the likelihood of assaults on staff. The system of group isolation was intended to contain any prisoner who was "violent, subversive or recalcitrant" until such times as he demonstrated his fitness to return to his normal prison of classification. The routine in the unit was to be a spartan one, consisting of hard work, strict supervision and limited privileges.

This recommendation was accepted by the Department and the Inverness Segregation Unit was opened in October 1966. In setting up this unit, one is able to say with hindsight, two incorrect assumptions were made. The first was that the existing staff of Inverness Prison, a small local establishment holding short-term inmates, could operate the unit without special training. The second was that it would be suitable for all violent, subversive and recalcitrant prisoners. The unit, far from having the desired effect on some prisoners, appeared to exacerbate their unruly conduct.



The more punishment they received, the worse their behaviour became. One result of this was that some prisoners were held in the unit for periods considerably in excess of the originally estimated average of four months. This unhappy situation led to a series of major incidents in the unit between 1969 and 1972, culminating in one in December 1972 in which four prisoners, all of whom were regarded as being particularly dangerous, launched an organised attack on staff during an evening period of recreation in association. They were subdued only after a battle in which one officer lost an eye, others sustained stab wounds and two prisoners were injured. The four prisoners were later convicted of assault to severe injury and attempting to escape and each was sentenced to a further six years' imprisonment. The five prisoners who had been located in the unit (one had been indisposed and in his cell at the time of the riot) were transferred from Inverness.

Although no prisoners were transferred to the Inverness Unit after the incident of December 1972 the official position was that the unit had never been formally closed and was available for use. This position was confirmed by the Under Secretary of State in October 1973. In June of that year representatives of the SPOA had met the Minister and had asked among other things that in future all prisoners in the unit should be held under "Rule 36" conditions; that is, with no association. A review of staffing and procedures was begun in consultation with the SPOA. Although the unit was technically available governors were aware that this review was taking place and felt discouraged from identifying prisoners for possible transfer. In June 1976 the review was completed and new regulations were drawn up. Once this had been done the Department confirmed its view that the unit was a necessary part of the prison system and that, while for most of the time there might be no prisoners in the unit, it would probably be necessary on occasion to consider whether certain prisoners should be transferred there.

The existence of the unit continued to attract publicity and in response to press requests for a statement the Secretary of State announced on 2 February 1978 "that there is no intention of placing

prisoners in the unit at this time". Throughout 1978 a public campaign was mounted, largely supported by the press, in opposition to any further use of the unit. This was energetically countered by the SPOA and on 15 November 1978 a special delegate conference of the latter body decided to implement a limited form of industrial action in protest against the continuing delay by the Secretary of State in using the unit. On 23 November 1978 representatives of the SPOA met the Under Secretary of State and presented three resolutions which had been passed at the delegate conference. First, they said, there was a need for alternative units to deal with unruly and violent prisoners. The Minister agreed that the Department should enter into informal discussions with the Governors' Committee and the SPOA on this matter. Second, there was a need for further visits by the media to penal establishments. On 14 November 1978 40 members of the press had taken part in a visit to the Inverness Unit. Third, a standing committee should be set up to consider the allocation and treatment of violent and unruly prisoners. The Minister agreed to the establishment of such a committee which was to include representatives of the Governors, the SPOA and the Department as well as a psychiatrist and an independent layman.

On 21 December 1978 one prisoner was transferred to the Inverness Unit on the personal authority of the Secretary of State, where he remained until February 1979. Since that time the unit has been in intermittent but regular use.

In June 1979 a Standing Committee on Difficult Prisoners was established, as had been agreed at the meeting in November 1978. Its terms of reference were:

- i. To advise the Scottish Home and Health Department on the allocation and management of prisoners referred to it by the Department because of difficulties created by their unruly, violent and/or subversive behaviour.
- ii. In the case of prisoners detained in the Inverness Unit, to advise, on the basis of periodic reports from the Unit, on the management of such prisoners and, in particular, their transfer from the Unit in accordance with the regulations governing the Unit.

The Committee may, if its experience suggests that alternative regimes or units are desirable for the management of violent, unruly and/or subversive prisoners, make recommendations on the subject to the Department.

This committee continues to meet regularly.

#### The Barlinnie Special Unit

In May 1970 representatives of the SPOA met with the Parliamentary Under Secretary of State to discuss the safety of prison staff. As a result of that meeting it was agreed that a working party should be set up "to consider what arrangements should be made for the treatment of certain inmates likely to be detained in custody for very long periods or with propensities to violence towards staff" (18). The working party, which included Departmental officials and a psychiatrist as well as representatives of the governors and the SPOA duly made a series of recommendations, the first of which was that,

A special unit should be provided within the Scottish Penal System for the treatment of known violent inmates, those considered potentially violent and selected long-term inmates.

The former female unit within Barlinnie Prison was vacant at the time and on 5 February 1973 this was opened as the Barlinnie Special Unit, three of its first prisoners having been transferred from the Inverness Segregation Unit in the wake of the December 1972 riot. The SPOA has always regarded itself as one of the prime movers in the establishment of the Barlinnie Special Unit and as early as 25 February 1973 the General Secretary of the Association was defending the concept of the unit against press criticism.

The working party had recommended that the unit should be psychiatrically oriented, that staff, who were to be a mixture of discipline and nursing officers, should be volunteers and that it should have its own Governor. In addition,

The traditional officer/inmate relationship was to be modified to approximate more closely to a therapist/patient basis while retaining a firm but fair discipline system.

Over the course of 13 years the Barlinnie Special Unit has gained an international reputation; it is without doubt the best known element of the Scottish Prison Service. Its main objective has been to enable prisoners who have presented management problems in the prison system to develop a self-governing community within that system in partnership with the staff. This has entailed a re-examination of relationships between staff and staff, prisoner and prisoner, staff and prisoner, in order to create an environment in which prisoners and prison officers can come together to debate, argue and discuss. Early development involved an attempt to encourage a non-criminal culture in order to enable members of the community to escape from traditional roles and loyalties. Positive skills were to be developed through art, education, sculpture and encounter with a wide range of visitors.

The unit holds a maximum of eight prisoners. They are all serving long sentences and are usually potentially violent, volatile and intelligent. Those with psychiatric problems or drug dependency are not admitted. A prisoner is initially recommended by the governor of his prison of classification. He is then visited by a group of staff from the unit and the implications of transfer are discussed. Prison members of the unit also have the opportunity to express their opinions on the proposed transfer. If the prisoner is considered to be suitable the case is referred to the Department for approval of transfer. One early difficulty was that some prisoners regarded the unit as a soft option and took the view that if they created maximum unrest at their prison of classification, often by assaulting staff, they were more likely to be transferred to the unit. The method of selection attempted to exclude such motives for transfer and has been generally successful in doing so.

With the exception of the Governor, all staff in the unit are volunteers. They also go through an assessment period and a screening process before being recommended for work in the unit.

The main community activities centre around a series of regular meetings. The most important of these is a formal community meeting

held once a week. Those present elect a chairman and a record is kept of the discussion. Security and staffing issues are not discussed but other matters are open to full debate. Domestic matters are decided at the meeting. Other issues are referred to the Governor or the Department as necessary. There is no formalised system of punishment within the unit. A serious breach of the rules may result in a prisoner being transferred from the unit. When internally agreed procedures are broken the prisoner concerned has to explain his actions to the other members of the community.

An attempt at a self-governing regime, even of a limited nature, within the prison system creates its own pressure. There is continuing tension between self-government and the necessary limitations which exist because of the high degree of perimeter security. In the early years of the existence of the unit mistakes were made, not least by allowing external interests including the media to turn too fierce a spotlight on it during its formative period. This tension was not eased by two serious incidents which took place in the unit. In March 1976 one prisoner stabbed another 13 times and was subsequently sentenced to a further six years' imprisonment. In September 1977 a prisoner was found dead in his cell having consumed a quantity of drugs which had been brought into the unit surreptitiously. The Department has recorded the dilemma which it has faced for a long time with regard to the unit as being how to cope with "the rehabilitative elements of a venture originally devised for the more effective control of a very limited number of prisoners". Despite these difficulties the government has consistently made clear its intention that the unit should continue to operate as it has done in the past and in the way that was intended when it was first set up. Throughout its existence the unit has enjoyed the continuing support of the SPOA which, while it has pursued the need for changes in certain details of the unit's operation at various points, has consistently expressed the view that the unit has managed to achieve one of its principal aims, which was the removal of certain violent and difficult prisoners from the mainstream of the system.

## The Peterhead Ten Cell Unit

The Barlinnie Special Unit, however, did not separate all prisoners in this category. The first of the three resolutions which the SPOA had presented to the Minister in 1978 had concerned the need for further alternative units and the Under Secretary of State had agreed to tripartite discussions. When these began between the Department, the Governors' Committee and the SPOA in January 1979 the Association pressed the need in particular for a "Rule 36" unit. Prison (Scotland) Rule 36 states:

If at any time it appears to the Visiting Committee or the Secretary of State that it is desirable for the maintenance of good order or discipline, or in the interests of a prisoner, that he should not be employed in association with others, the Visiting Committee or the Secretary of State may authorise the Governor to arrange for him to work in a cell, and not in association, for a period not exceeding one month from the date of each authorisation.

Those involved in the discussion concluded that a unit designed specifically to accommodate prisoners subject to Rule 36 was necessary and that, in order that such prisoners should be dealt with while outwith normal circulation by the same staff who would have to deal with them in normal circumstances, it would be appropriate, given that the majority of prisoners concerned could be expected to be of Peterhead classification, for the unit to be constructed in that prison. It was also agreed that the unit should be under the control of the Governor of Peterhead and that it should have accommodation for 10 prisoners. Work on the unit began in June 1982 and at that time it was decided that for presentational purposes it should be described simply as the 10 Cell Unit rather than the Rule 36 Unit. In that same month the Under Secretary of State advised a Member of Parliament who had asked for details of the unit:

The Ten Cell Unit is being built in response to a request from the SPOA - and in recognition of an existing need - to provide alternative facilities to deal with prisoners who require, for whatever reasons, to be removed from normal circulation within our adult penal establishments. (19)

It was later confirmed that the unit was to be simply another facility within the prison of Peterhead which would be available to the Governor to assist in managing the numbers of increasingly difficult prisoners held within that prison.

By this time the press had become interested in the new unit. The Department's intention to allow the Governor and staff of Peterhead to determine how its regime should be developed was described as "equivocation". "The Scotsman" reported on 9 February 1983 that:

This equivocation has led to confusion on the part of the SPOA, who are angry at not being consulted; suspicion among Scotland's 4500 inmates, who fear that a new tougher stance is being adopted; and concern by MPs over the possibility that such a policy change is being sneaked through the backdoor without any attendant political debate.

In March 1984 the "Glasgow Herald" reported that the SPOA considered the unit to be too vulnerable in construction and that it was concerned that its wish to have referrals controlled by the Standing Committee on Difficult Prisoners had not been regarded, thus depriving officers of input into the management of the unit. This latter concern did not appear to take account of the fact that officers at Peterhead were involved in the local working party which was drawing up a regime for the unit. The SPOA continued to press the Department to place control of transfers into and out of the 10 Cell Unit not in the hands of the Governor of Peterhead but in those of the Standing Committee on Difficult Prisoners. In June 1984 the Director of the Scottish Prison Service advised the SPOA that, while the unit would accommodate only prisoners already in Peterhead and only the Governor of Peterhead would be allowed to recommend prisoners for transfer to it, the Secretary of State had decided that for a trial period of one year from the date of opening the procedures for admission to and transfer from the unit would parallel those for the Inverness Unit. The first prisoner was transferred to the unit in December 1984.

### Conclusion

One is able to conclude from this analysis of how methods of dealing with difficult prisoners in the Scottish prison system have developed over the last 20 years that the major initiative has come from the staff as a body. Of the units presently in existence, the Inverness Unit, the Barlinnie Special Unit and the Peterhead 10 Cell Unit were introduced after approaches to the Secretary of State by the SPOA.

The need for alternative units and for a standing committee have also been pursued by the SPOA with the Secretary of State at various times. Once agreement on the need for each of these units has been reached the Department has pursued a policy of pragmatic regime development. Very few guidelines have been laid down in the initial stages. When subsequent difficulties have arisen an attempt has been made to lay down specific regime regulations.

In the case of the Inverness Unit this attempt appears to have succeeded. According to official files it is doubtful whether the attempt at pragmatic regime development has succeeded in the Barlinnie Special Unit. In the latter case, one might argue that the concept of the unit precludes the existence of firm regulations. Arguably the 10 Cell Unit at Peterhead presents the best example of how this pragmatic style of management can be subjected to organised staff pressure. The SPOA pressed initially for a "Rule 36" Unit and this was agreed by the Department. The Association later changed its line of approach to advocate the need for a more general type of unit which would be subject to oversight by the Standing Committee on Difficult Prisoners, on which it was represented. In agreeing to this on an experimental basis the Secretary of State made a significant alteration to the use of the unit, which had been physically constructed to fulfil a specific purpose.

In none of these examples has the Department taken the initiative. It has followed what I have argued has been its traditional management style, based on administrative civil service culture, of responding to and reaching an accommodation with persistent pressure. In reaching this conclusion one is not passing judgement on the correctness of any individual decision. In principle, however, this is a dangerous path to tread in the organisation of a bureaucracy which has operational commitments. The primary concern of the SPOA is the good of its members. In the vast majority of instances this good may well be consonant with the good of the service but this will not invariably be the case. There will be instances when the good of the service will be distinct from the good of one trade union, even one which represents the greatest percentage of employees. If



management adopts a reactive style it will not be an easy task to foresee instances in which this distinction occurs.

One obvious lack in all of the units described is any attempt to assess whether they are achieving the purpose for which they were set up or indeed whether that purpose has changed in the course of operation. Such a definition of objective and method of on-going evaluation would be of considerable assistance to the staff who are asked to run these units. There are two essential components in the management of difficult prisoners. The first is that they should be identified and separated into small groups apart from the main body of prisoners. It would appear that the Scottish Prison Service is on the way to achieving this feature. The second essential component is that there must be intensive staff involvement with these prisoners. In most of the existing units there is a massive staff presence. It is arguable in some instances whether or not this presence is translated into involvement. Many of the prisoners concerned are unlikely to welcome initially any attempt by staff to work with them. In such situations staff can be expected to make progress only if they have a clear appreciation of the regime in which they are to operate and of the objectives towards which they are striving. It is a pre-condition that management must in the first instance define the nature of such regimes and objectives.

I have dwelt at some length on the development of the system of management of difficult prisoners in the Scottish Prison Service because it provides a particularly good example of the dangers of a reactive style of management. Each new development has come about in response to pressure following particular incidents, pressure often exerted by means of a meeting between the SPOA and the political head of the service. The result has been a piecemeal development based on removing prisoners who are troublesome at a point in time from the system. An alternative strategy would have been to examine the prison system from which such difficult prisoners come, to consider the need for radical alteration to the strategy for managing all prisoners in an attempt to anticipate and prevent management problems. Such an approach might have had considerable implications

for the manner in which staff are required to carry out their duties. This style of management would have been in contrast to what has happened. It would have meant management taking the initiative in developing a continuing strategy. It would have placed the SPOA in a responsive position, obliging it to respond moreover not simply to the immediate problem but also to longer-term objectives.

This is not to suggest that the SPOA should not have the opportunity to contribute to the discussion on management policy. 66.7% of the respondents to my survey were of the opinion that the SPOA should be concerned not only with the pay and conditions of its members but should also play a part in management. However, there is a difference between consultative management and management which abdicates its responsibility to initiate and develop for the benefit of the whole organisation. In many instances the management of the Scottish prison system is exercised in a consultative fashion. In this particular instance it has gone beyond consultation, certainly to participation and arguably beyond that.

#### Notes

1. Report from Walter Deverell, Governor, to the Committee on the General Prison of Scotland, 14 July 1841. SRO, HH6/2
2. Scottish Prisons Committee Minutes of Evidence, October to November 1891. SRO, HH57/41
3. Statement of the POA in connection with The Claim Made By The Association before the Civil Service Arbitration Tribunal in September 1954, paragraph 25.
4. Memorandum from Dr J H Burton to Honourable Adolphus Liddell, 2 September 1873. SRO, HH8/7

5. Quoted in "The Prison Officers' Magazine", July 1938, p 208.
6. Memorandum submitted by the POA to the Departmental Committee of Inquiry (1957), paragraph 68.
7. Factual Memorandum submitted by Prison Commission and the Scottish Home Department to the Departmental Committee of Inquiry (1957), paragraph 87.
8. Factual memorandum submitted by Prison Commission and the Scottish Home Department to the Departmental Committee of Inquiry (1957), paragraph 109.
9. Mountbatten Report: Action Following, SHHD file, G/STG/48/1.
10. Letter dated 23 December 1976 from SHHD Establishment Officer to the General Secretary of the SPOA. SPOA files.
11. Statement by Scottish Prison Commissioners Containing Remarks on the Recommendations of the Departmental Committee on English Prisons so far as they may be considered applicable to Scots Prisons, April 1896. SRO, HH57/101
12. Minutes of Scottish Whitley Council, 22 May 1950, contained in "The Prison Officers' Magazine", August 1950, p 243.
13. Quoted in "The Prison Officers' Magazine", October 1954, p 306.
14. Correspondence between the Scottish Home and Health Department and Governor Barlinnie. SHHD file G/STR/10/16.
15. Quoted in "The Prison Officers' Magazine", November 1950, p 429.
16. Quoted in "The Prison Officers' Magazine", October 1946, p 284.
17. Quoted in "The Prison Officers' Magazine", July 1944, p 191.

18. Report of the Working Party on the Treatment of Certain Male Long-Term Prisoners and Potentially Violent Prisoners (1972), Scottish Home and Health Department, Edinburgh.

19. Public letter from the Under Secretary of State for Scotland to Albert McQuarrie, MP, 18 June 1982.

## 5. CONCLUSION

What I have attempted to demonstrate in this thesis is that while the prison system, like any other large organisation, has several unique features it is not sui generis. It is a bureaucratic structure with a typical mixture of organisational strengths and weaknesses. However, the organisational weakness in the Scottish Prison Service is increased by the fact that since 1929 the prison system has been located in an incorrect super-ordinate system. As an arm of the main stream administrative civil service, located specifically within the Scottish Home and Health Department, it has moved from the proper position which it held before 1929 within the criminal justice process maintaining close links with the Scottish judicial system. There have been two main consequences of this change. The first relates to the model of imprisonment itself, the second to the influence which has been exerted by staff.

Failure to retain sight of the primary role of the prison system as the punitive arm of the criminal justice process has resulted in a confusion between the primary and secondary goals of imprisonment. The single primary goal of imprisonment is secure custody for the period of detention laid down by the court; this deprivation of liberty constitutes the punishment which is imprisonment. Having deprived a man or woman of liberty one can postulate several secondary goals. The most common of these are deterrence, either individual or general, and rehabilitation in one of its many guises. Properly located in their respective spheres there is no contradiction between the primary and secondary goals of imprisonment. Confusion has arisen when secondary goals have been elevated to concurrent primary status.

Matters have been further complicated by a re-interpretation of the meaning of the secondary goal of rehabilitation. In a penal context this originally referred to the restoration of an individual's civic rights and privileges at the conclusion of a period of punishment. It signified return to full membership of the community. The re-interpretation of the term was based on the concept of the

prisoner, not as responsible for a breach of the law, but as in some way deficient and in need of restoration to some imposed standard of normality.

The function of penalty is to restore him to an elusive normality by means of training and treatment, substituting new values and norms for defective old ones, supplying a discipline previously lacking, or a physical training to counteract degeneracy and neglect. (Garland, 1985, p 248)

A major disadvantage of any attempt to express the secondary goal of, for example, rehabilitation as a primary goal of imprisonment is that one is then tempted to measure the success or failure of imprisonment in terms of this goal. Such an attempt is doomed to failure. This was recognised 30 years ago by Clemmer (1958) in one of the first commentaries on the experience of imprisonment. He suggested that many men who had apparently been rehabilitated by prison were in fact people who should never have been there in the first place or who would have been "rehabilitated" without the experience of prison. As far as so-called real criminals are concerned, he argued, the only real "rehabilitation" was the type which kept them in prison until they were so old that they no longer had sufficient physical or mental vigour to commit crime. In a word,

The apparent rehabilitating effect which prison life has on some men occurs in spite of the harmful influences of the prison culture. (Clemmer, 1958, p 313)

Another unfortunate consequence of this tendency to focus on what are in reality secondary goals of imprisonment is that it ignores the fundamental question of the use of imprisonment as punishment. Some commentators suggest that this is a failure as much of the justice model of imprisonment as of the rehabilitative model. The former attempts to make the punishment as fitting as possible to the crime. It does so by concentrating on the length of sentence and insisting that the deprivation of liberty is the one and only punishment. But, argue the critics, the pain caused by the conditions of imprisonment is irregular, unpredictable and inconsistent and this is an inevitable consequence of the use of prison as punishment. The question to be asked is whether prison is necessary.

To put it even more briefly, there is no sufficiently solid conceptual foundation to elevate the idea of imprisonment to the central place it holds within the structure of penal policy; nor very much reason to think that if prisons were demolished tomorrow anything very dreadful would happen to the world. (Brody, 1983, p 82)

This, of course, is not a new concept. It also occurred to that often mis-quoted penal practitioner, Alexander Paterson.

Wherever prisons are built, Courts will make use of them. If no prison is handy, some other way of dealing with the offender will possibly be discovered. (Ruck, 1951, p 26)

I indicated in the introduction that, while this thesis was not directly concerned with the major topical debate on the use of punishment as a tool of social control and the place of the prison system within this manipulation of power, I had no argument with the fundamental thrust of the protagonists in this debate. The arguments advanced in this thesis are not entirely unrelated to these wider issues.

I have argued that historically the prison system in Scotland was clearly recognised as part of the criminal justice process. The relationship has become blurred over the last half century and requires to be brought back into focus. The world of the prison does not exist in a vacuum; it can only be considered in the context of the criminal justice system as a whole (McClintock, 1980). Regimes and practices in prisons must be seen in relation to the theories of criminal behaviour and, although they might not always recognise the fact, the wider social context affects the way in which prison staff carry out the management of prisoners. I have shown that the use of imprisonment as a penal sanction is a comparatively modern phenomenon. Its extension to a therapeutic or social welfare model is even more recent and not native to the Scottish tradition. Any future re-assessment of the role of imprisonment will return it to its penal model. The improper location of the prison system in the wider social welfare rather than criminal justice context is a consequence of the role now played by central government in administering prisons. Writing of English prisons in the 1920s the Webbs expressed a view which remains topical in a British context.

To the student of Political Science, it must first be concluded, the centralisation of prison administration under a department of the National Government seems very far from being an unmixed gain. (Webb S and B, 1922, p 246)

There are grounds for suggesting that the current social and political climate in Britain lends itself to such a re-assessment of the use and purpose of imprisonment.

As with many other innovations in corrections, change does not usually come about through new insights or humanitarian concepts; it usually occurs as a result of economic arguments. (Murton, 1979, p 52).

Penal institutions are a considerable drain on the public purse. In the context of a rehabilitative model one could argue that resources for prisons were justified on the grounds that improved facilities and regimes would lead to an eventual reduction in the numbers of offenders. In the context of a justice model one is arguing that resources are necessary, not in the hope of rehabilitating criminals, but as a human right. In times of economic stringency this argument holds little political attraction. The academic death of the rehabilitative ideal is welcome to any government which wishes to reduce central costs. This argument has been powerfully expressed by Scull and Allen among others.

One need not be wholly sceptical about the virtues of modern programs seeking to divert offenders from penal incarceration and releasing those already institutionalised, to recognise that these efforts have been powerfully influenced by cost concerns and that these concerns have frequently over-borne competing considerations of rehabilitation and human welfare. (Allen, 1981, p 56)

(As a relevant aside, one can note the suggestion which has been mooted recently that one means of transferring part of the fiscal burden from the local rate payer to the central tax payer would be to bring education under complete central control. This was precisely the justification advanced for the centralisation of the prison services in 1877.)

The second main consequence of the location of the organisation within the administrative mainstream of the civil service has been the



influence which this has allowed staff to exert in the development of the service. The function of the senior civil servant is to serve his Minister. In his day-to-day working he exercises this craft in a reactive manner by interpreting various pressures. He recognises those which are transitory and which can be safely ignored. He decides how to reach an accommodation with those which are not transitory, occasionally by confrontation but more often by some form of compromise. The most consistent pressure on the prison system has come not from any external source but from the staff which over the last 50 years have used their trade union as their voice. Internal pressure of this nature is not in itself any bad thing. An efficiently-run organisation is as much in the interest of the staff who have to spend a career within the system as it is of management. However, it is important that management recognises that pressure for what it is. While the interests of the service and of the staff who work within it will run parallel and overlap in the majority of instances there will be occasions when they do not and management must be aware of these. In some areas the style of management in the Scottish Prison Service comes close to being participative and I have suggested that the methods employed for controlling difficult prisoners is a good example of such an area.

Management can use these developments for the more effective organisation of the system. Duffee (1975, p 199) has suggested that the organisation of the prison system is likely to be more efficient when staff perceive management as operating in a democratic fashion and when policy places a high concern on the needs of prisoners. This is likely to occur when management is decentralised and when goal-attainment is openly discussed with both staff and prisoners. He suggests that this might well happen if staff are allowed to organise into local work teams and to exercise initiative and creativity in local work settings. It is not too difficult to relate this concept to that of the group officer system which has existed in varying forms in Scotland for some years.

This is also related to the traditional need for a free-flow of communication in the form of criticism, suggestions and expressions of

approval as an aid to problem-solving. Such a process is democratic but does not preclude a full expression of leadership. Blau and Scott (1966, p 125) argue that leadership can indeed further the process of problem-solving by encouraging rather than impeding a full flow of communication. Such a style of leadership goes beyond that which one normally encounters in a bureaucratically structured organisation such as the civil service (Coyle, 1985, p 96). This expression of positive leadership is a necessary and effective counter-balance to the central role played by staff in the prison service.

(The solemn lesson) is that no prison service can implement any kind of policy whatever, least of all a reformative kind, unless the uniformed officers are consulted, involved, and convinced that some attention will be paid to their problems. Officers know this; prisoners know this; policy-makers too must understand this. (Thomas, 1974, p 60)

In each of the three substantive chapters of this thesis I have described and analysed features of the Scottish Prison Service which have not been the subject of prior research. There has been no previous analytical history of penal development in Scotland. The material covered in chapter two is presented and analysed in terms of the general focus of interest of the thesis. The main areas of interest which have not been previously researched are the influence of William Brebner, the Scottish Prison Commission and in particular its different method of administration from the English Prison Commission, the Elgin Committee (1900) and the present system of administration. The main argument in chapter three is that the prison system can be subjected to comparative analysis as a typical bureaucratic organisation. The conclusion of this analysis is that many failings of the system arise not from a lack of resources but from structural weaknesses. These are principally the location in a false super-ordinate system and a consequential confusion of goals. The most important of the latter is a failure to recognise that the primary purpose of imprisonment is the punishment which is inflicted through loss of liberty. I suggest throughout the thesis that the prison officer has played a central role in the development of the prison system, particularly in Scotland, and in chapter four I demonstrate how this has come about as a result of both the corporate

influence of the staff and the particular style of management of the Scottish Prison Service.

The conclusions reached are by no means negative. The compact nature of the Scottish Prison Service, with 20 establishments, 5500 prisoners and 3000 staff, is a singular advantage. Lines of communication are short, anonymity is not possible and accountability is an option. The structural weaknesses which I have identified can be discussed and, if accepted, can be remedied.

## APPENDIX A

### ARRANGEMENTS FOR THE STAFF QUESTIONNAIRE

#### A.1 The Initial Proposal

As a complement to the qualitative analysis contained in the thesis I decided that I should carry out some quantitative evaluation of the concepts advanced by obtaining information from serving prison officers. The original intention was to achieve this by carrying out structured interviews with a number of selected staff. It would have not been realistic to attempt on my own on a part-time basis to interview a representative sample of the 2,250 officers employed in the Scottish Prison Service in 1982. In order to obtain consistency it was decided to restrict the survey to staff serving in adult male prisons. There are 11 such prisons in Scotland: Aberdeen, Barlinnie, Dungavel, Edinburgh, Greenock, Inverness, Low Moss, Penninghame, Perth, Peterhead and Shotts. By far the largest is Barlinnie which held at the time 30% of the relevant inmate total for the country with 23% of the total staff. Any survey which attempted to draw a profile of the prison officer in Scotland should, therefore, include Barlinnie. Peterhead Prison is the only maximum security establishment in the service. Almost all prisoners held there are recidivists, the majority are troublesome and many are dangerous. A profile of the officer dealing with this type of prisoner should be included in any such survey. Peterhead held 6% of the relevant prisoner population in 1982 (this had for some time been decreased from the normal 9% because of renovation work) and 14% of the total staff. The next two largest prisons in Scotland are Edinburgh, with 18% of the total staff, and Perth, with 15%. Both establishments hold untried as well as short and long-term convicted inmates. It was decided that Edinburgh Prison, as the larger of the two, would be the third and final prison to be involved.

#### A.2 Structure of the Questionnaire

The next step was to construct a questionnaire around which to structure the interviews. In doing this reference was made to similar

work carried out previously in the prison service (Morris and Morris, 1963; Emery, 1970; Jones, 1977; and Dobash, 1979) and with the police (Reiner, 1978). The questionnaire was divided into seven main areas:

1. Personal Details. In addition to establishing date of birth, marital status, number of children, qualifications and father's employment, the questions in this section dealt with the respondent's recruitment to the prison service, his previous employment experience and his reason for joining the service.
2. Service History. These questions covered job description, places of work, details of promotion and of training.
3. Attitude to Work. The questions in this section dealt with such matters as the respondent's expectations of his work, the important features of the work, the amount of supervision and of opportunity to use initiative as well as the public image of the prison officer.
4. Conditions of Service. These questions dealt with matters affecting promotion, the role of the prison officer, discipline, housing policy and the effect of prison work on one's family.
5. SPOA. These questions sought to discover the respondent's views on the areas of activity of the SPOA and its effectiveness, knowledge of leading activists, personal involvement in union work and perceived effect on a person's career.
6. The Prison System. These questions related to the purposes of the prison system and whether they were being achieved. Respondents were asked to give an opinion on various aspects of prison populations and regimes as well as on the role to be undertaken by prison officers.

7. Crime. The questions in the final section were designed to discover the respondent's knowledge and opinion of more general issues.

The questionnaire concluded by asking whether respondents had any final comments and whether they would be prepared to be interviewed. There were 97 questions in all.

### A.3 Obtaining Permission

Concurrent with these preparations permission was sought from both Prisons Group within the SHHD and the SPOA to carry out the survey of staff. A copy of the questionnaire was sent first to Prisons Group in July 1982 asking for agreement in principle to the interviews being conducted and to the proposed line of questioning. Prisons Group agreed to the original and to the subsequently amended proposals. In September 1982 the questionnaire was sent to the General Secretary of the SPOA with an accompanying explanation of the proposed methodology. The hope was expressed that the Executive Committee would have no objection to the issue of the questionnaire or to subsequent interview and comments were asked for. The General Secretary replied that, while his Executive Committee "were not too keen about some of the questions asked in the questionnaire, particularly those in relation to Association activities", they were prepared to give their approval provided all those taking part were volunteers. The Executive Committee instructed the General Secretary to issue a circular letter to all branches commending the research project to members.

At this point, in November 1982, the intention was to obtain responses to the questionnaire from 10% of the staff at Barlinnie, Edinburgh and Peterhead, the numbers involved being 32, 24 and 18 respectively. In the expectation of a 50% response rate it was proposed to issue the questionnaires to twice the number of staff required in each establishment. In order to obtain a cross-section it was proposed to select a proportionate number at random from within each grade and, as far as basic grade officers were concerned, from

within a further sub-division into those with less than five years' service and those with five years' or more.

#### A.4 The Pilot Questionnaire

Before embarking on the main exercise it was decided that a pilot questionnaire would be useful. This would provide an opportunity to evaluate the manner in which the questions had been drawn up and to incorporate any amendments which might be necessary. It would also give an indication of the likely response rate. This last point was of particular importance since the proposal to interview a cross-section of respondents meant that each form would be identifiable and it was thought necessary to discover whether or not this would reduce the level of response. Allied to this was the need to discover how much my personal role might affect responses. All those questioned would be aware of my position as a governor in the prison service; many officers would be known to me personally and others would expect to work under me in the future. Staff might also have reservations about whether the questionnaire could be used for an official purpose by me or by the SHHD. Such reservations might have been increased had staff been aware of the comment by the Deputy Director (Personnel) when giving permission for the questionnaire:

I would very much like to know the extent to which the SPOA correctly reflects the view of prison officers but I would not begin to have the courage to try to find out.

Care had been taken to address all correspondence with the SPOA and with individual members of staff from my home rather than from my official address and the personal nature of the work was also emphasised.

Permission was obtained from both the SHHD and from the Governor to carry out the pilot at Shotts Prison. Shotts was opened in 1978 as a medium security prison and at the time in question it held 60 longterm adult prisoners. There were 64 uniformed staff. From its opening until October 1981 I had been Deputy Governor of the prison. In February 1983 a visit was paid to Shotts to address all

available staff, approximately 40 in number. I explained my research plan and the place of the questionnaire within it. By early April 1983, and following a reminder, a total of 30 (47.6%) questionnaires had been returned. Two out of three Chief Officers responded (66.6%), three out of seven Principal Officers (42.8%), five out of 12 Senior Officers (41.6%) and 20 out of 41 Officers (48.7%).

At the time the return rate was thought to be on the low side although it turned out to be significantly higher than the return rate for the main questionnaire. There was discussion as to whether the fact that I was personally known to almost all the respondents and they to me had affected the rate of return; there was no proof either way. Another influencing factor may have been the identifying number on each questionnaire. When the returns were examined it was concluded that the answers were sufficiently expansive to make the subsequent interviews unnecessary. There would, therefore, be no need for an identifying number in the main questionnaire.

#### A.5 Issuing the Main Questionnaire

It was decided at this point in June 1983 that, in order to allow proper analysis of the responses, the results of the main questionnaire would be computerised. Since it had also been decided not to carry out follow-up interviews it was agreed that, instead of the 10% sample of staff at Barlinnie, Edinburgh and Peterhead originally intended, the questionnaire should be issued to all members of the prison officer grades at these three establishments. In addition to covering a much higher proportion of the total number of staff this arrangement would preclude any questions about how the 10% sample had been chosen. On 1 January 1983 there were 334 officers in post at Barlinnie, 263 at Edinburgh and 201 at Peterhead. In addition to the 64 who were in post at Shotts this involved a total 862 officers in the questionnaire out of a service-wide complement in adult male establishments of 1413, that is 61%.

In September 1983 letters were written to each of the three Governors concerned describing the nature of the research and seeking



permission to issue the questionnaire. Each of the Governors agreed and early in October letters were sent to the Secretaries of three local branches of the SPOA, explaining the background to the questionnaire, pointing out that it had been approved by both the SHHD and the Executive Committee of the SPOA, that I was doing the work in a personal capacity and asking that they encourage staff to complete it. No replies were received from the Secretaries. At the beginning of November the questionnaires were distributed to all uniformed staff at Barlinnie, Edinburgh and Peterhead with a covering letter, again from my home address, in terms similar to those in the letters to the local SPOA Secretaries. Staff were asked either to return the questionnaires to my home address or to pass them in sealed envelope to the General Office in the prison whence they would be forwarded to me.

By early January 1984 16 out of the 342 questionnaires (4.7%) had been returned from Barlinnie, 21 out of 269 (7.8%) from Edinburgh and 26 out of 207 (12.6%) from Peterhead; a total of 64 out of 818 (7.8%). On 6 January 1984 a letter was sent to each of the Governors asking that my thanks should be conveyed to those staff who had completed the questionnaire, pointing out that the rate of return was low and asking that all who intended to do so should return the questionnaire by 31 January 1984. A similar letter was sent to each local Secretary asking that members be encouraged to return the questionnaire. As a result of this two more returns were received from Barlinnie, one more from Edinburgh and no more from Peterhead.

The situation was discussed at the University and it was agreed to extend the questionnaire to Dungavel and Low Moss Prisons. Dungavel, which had been considered for inclusion at the initial stages, is a semi-secure prison for approximately 115 long-term inmates who are approaching the end of their sentences. It has a reputation for close staff involvement. At the time there were 48 uniformed staff in post. Low Moss is semi-secure prison with an inmate population of some 400, all of whom are serving sentences of less than six months. The uniformed staff numbered 94. These

two prisons were added for several reasons. First, the total number of responses already received was far lower than had been anticipated and it was hoped to increase this. Second, it presented the opportunity to obtain responses from two other groups of staff who worked in conditions quite dissimilar from those of staff in the three larger establishments. Finally, the two Governors concerned had expressed an interest in the project and it was thought that their positive support would increase the response rate. The same procedure was gone through with these two establishments and in February 1984 the questionnaires were sent out. In the case of Dungavel the local Secretary of the SPOA responded positively to my approach and distributed each of the questionnaires individually with a recommendation that it be completed. In Low Moss the Deputy Governor spoke to all the officers at a staff meeting and encouraged them to respond, indicating that in due course I would be willing to discuss my findings with the staff. By 31 March 12 out of 94 (12.8%) had been returned from Low Moss and three out of 48 (6.25%) from Dungavel.

A total of 960 questionnaires had been issued and 81 (8.4%) returned. This return rate was too low to regard the responses as representative. This was unfortunate since the staff who had returned the completed questionnaires had clearly put considerable effort into their responses and in several issues had expanded on their answers in a helpful way. There was a difference in the response rate in the separate grades. 38% of the Chief Officers responded, 12.7% of the Principal Officers, 10.5% of the Senior Officers and 6.4% of the Officers. Among the last group there was a higher response rate from those who had been longest in the service. After consultation it was agreed that the response rate was not statistically viable and that nothing was to be gained by placing the data on computer. Coding tables had already been prepared. It was decided to complete these and to include the information obtained as Appendix B to the thesis.

While the level of return meant that the project was not statistically viable the responses themselves did have a certain significance. With

the exception of the unpublished work by Dobash (1979) there had been no previous survey of Scottish prison staff. Such a full set of responses from 81 serving officers merited some consideration, not least because they came from a cross-section of establishments and because many of the respondents held senior uniformed positions. In general terms the responses confirmed the main thrust of the argument in several sections of the thesis. I have made extensive use of the responses in an illustrative manner and as circumstantial supporting evidence.

#### A.6 Responses to the Questionnaire

Although it has not been possible for statistical reasons to use the responses as direct confirmation of the hypothesis advanced in the thesis most of them are worthy of comment.

##### Q.1 In which prison are you serving?

By far the highest return rate was from Peterhead. There was no obvious explanation for this. One could speculate as to whether there was a higher degree of discipline among staff at Peterhead or whether they were more senior in service than staff elsewhere.

##### Q.2 How old are you?

61.9% of respondents were aged 40 years or older. This is consonant with the higher percentage response rate from senior staff. Figures of average staff ages are not available but minimum entry age is 21 years.

##### Q.3 How long have you been in the Prison Service?

91.4% of respondents had five or more years' service; 48.2% had 15 years' or more and 27.2% had 20 years or more. The responses of these two questions indicated an unrepresentative grouping in terms of age and length of service.

Q.4 Which of the following qualifications do you have?

Most of the respondents had some qualification although the complete figures do not indicate how many had more than one.

Q.5 What was your father's main work?

According to the criteria used by the Office of Population Censuses and Surveys 70.4% were in the skilled or semi-skilled class.

Q.6 What was your last job before joining the Prison Service?

86.5% had previously been in skilled or semi-skilled occupations.

Q.7 Have you previously worked in any of the following?

25.9% had armed services experience, excluding national service. This is a higher percentage than one would have expected from the Scottish tradition, as is the figure of 14.8% who had experience in the police service. One cannot deduce that these figures are representative of the service-wide picture.

Q.8 What personal qualities do you think helped you to get this job?

The coding options given for this response were drawn from the answers given in the pilot questionnaire. 39.5% considered some trait in their character to have been important.

Q.9 Which of the following attracted you to the Prison Service?

91.8% rated job security as at least an important factor; 77.8% gave the same rating to good career prospects; 59.3% to an interest in "law and order", and 51.8% to a wish to help others.

Q.10 Have you ever thought seriously of leaving the Service?

Given the high percentage of respondents who were in promoted posts the figure of 61.7% was high.

Q.11 If so, what was the main reason?

21% gave the nature of the work as the main reason, almost twice as many as for any other reason.

Q.12 What do you think are the main features of your work with prisoners?

Control and containment, as one would have expected, were the most significant features but 90.2% rated a willingness to talk to prisoners as important while 85.2% gave the same rating to helping prisoners with their problems.

Q.13 In how many establishments have you served?

30.9% had worked in four or more establishments, 48.3% in three or more and 71.7% in two or more.

Q.14 If you have been promoted, how many years did you spend in each grade?

Officers had on average waited 10.8 years for promotion to S.O., a further 3.1 years before promotion to P.O. and a further 9.8 years before promotion to C.O.

Q.15 Where did you undergo your initial training?

As described in the previous chapter, training had moved over the years from Barlinnie to Bishopbriggs, to Polmont.

Q.16 Did the initial training give you proper and sufficient knowledge to carry out your job?

11.1% felt that the initial training had provided more than enough knowledge to carry out the job; 48.1% just about enough; 16% not quite enough and almost one-quarter, 23.5% definitely not enough.

Q.17 How much training did you get in the following areas?

The interesting responses here were the high percentages who considered that they had received not enough or no training in technical matters, 51.9%; in control of prisoners, 60.5%; in human behaviour, 75.3% and in theories in crime and punishment, 72.9%.

Q.18 Have you had any development training at your prison?

Only 33.3% responded that they had.

Q.19 Have you attended a development course anywhere else?

88.9% had.

Q.20 Has development training improved your performance at work?

58% thought that it had helped only a little or not at all.

Q.21 Are you keen to do further development training?

88.9% were at least quite keen.

Q.22 What did you think the work of a prison officer would be like when you first joined the Service?

34.6% thought that it would be very interesting and a further 56.8% quite interesting.

Q.23 How would you now describe the work of a prison officer?

The corresponding figures had fallen to 27.2% and 30.9% respectively with 25.9% now considering it not very interesting and 16% monotonous.

Q.24 Which of the following qualities do you think that a prison officer requires?

90.1% were of the opinion that common sense was essential; 66.7% regarded the ability to use initiative as essential and 59.3% felt the same about a willingness to obey orders.

Q.25 How sympathetic do you think that the public is towards prison officers?

48.1% thought that they had little sympathy and a further 27.2% felt that they had no sympathy.

Q.26 Do you think that the work of the prison officer has changed since you joined the Service?

53.1% considered that the work had become harder; 19.8% thought that it was easier.

Q.27 How would you describe your work?

51.9% described their work as professional; 34.6% as skilled; 13.6% as unskilled. The Office of Population Censuses and Surveys describes the work of the officer and S.O. as partly skilled, that of the P.O. as skilled and that of the C.O. as intermediate.

Q.28 Which of the following jobs do you think require skills similar to those of a prison officer?

59.3% considered that their skills were at least quite similar to those required of a policeman. The second and third place choices were interesting with 55.6% describing the skills of a psychologist as quite similar and 49.4% making the same comparison with social workers.

Q.29 How much opportunity do you have to use your initiative?

50.7% reckoned that they had quite a lot or more opportunity to use their initiative. This is lower than the 66.7% who considered the ability to use initiative an essential quality for a prison officer.

Q.30 Are you interested in promotion?

84% said that they were.

Q.31 What rank do you hope to be in when you retire?

The largest percentage, 44.4, hoped to be in the Chief Officer grade; 24.7% opted for Principal Officer. Only 7.4% hoped for promotion to the governor grade.

Q.32 Which of the following do you think are important when it comes to promotion?

87.7% thought that performance at work was very important when promotion was being considered; 72.8% thought this of the officer's annual report and 56.8% of previous experience as an officer.

Q.33 What chance do you think you have of being promoted to Chief Officer I or Governor grade?

69.1% thought that their chance of being promoted to COI was not very good or worse; 77.8% thought that they had no chance of reaching the Governor grade.

Q.34 Do you think that the only avenue of entry to the Service should be as a basic grade officer and that all promotion should be made through the ranks of the officer grades?

75.3% thought that this should be so. For many years the SPOA has advocated the notion of a "unified service".



Q.35 What other members of staff in addition to prison officers are necessary in prisons?

The highest percentage in the essential grouping, 96.3, was for Medical Officers; the next two were 33.3% for Chaplains and 29.6% for Assistant Governors.

Q.36 What is the staff Code of Discipline?

45% described it as a code of conduct although 19.8% described it as a way of punishing staff.

Q.37 What do you think is the main reason that it exists?

44.4% thought that it existed to enforce staff discipline.

Q.38 Do you think that it is necessary?

88.9% did think so.

Q.39 In which of the following do you stay?

29.6% stayed in a prison quarter; 22.2% in a quarter which they had bought; 40.7% in their own house and 7.4% in rented accommodation.

Q.40 How many times do you socialise with your colleagues in a month.

39.5% did not socialise at all; 17.3% socialised 5 times or more in a month.

Q.41 How many times do you socialise with friends outside the Service in a month?

43.2% socialised five or more times. The answers to questions 39, 40 and 41 do not indicate that the respondents were typical of the inward-looking staff described in the May Report.

Q.42 What effect does the fact that you are a prison officer have on your family?

38.3% said that it had a considerable effect; 32.1% some effect and 28.4% no effect.

Q.43 What would be your reaction if one of your children wanted to become a prison officer?

25.9% would be very keen on the idea; 34.6% would not be very keen; 17.3% would not react and 21% would be opposed.

Q.44 What do you think is the main purpose of the SPOA?

A significantly large percentage, 46.9, listed improving conditions of service, compared to the next highest, 17.3%, for increasing pay levels.

Q.45 How successful do you think that the SPOA is in the following areas?

49.4% of respondents thought that it was very or quite successful in matters affecting conditions of service compared to 46.9% who thought that it was not very successful or a failure in this area. In all other areas a significantly greater percentage regarded it as not very successful or a failure.

Q.46 Do you think that the SPOA should be concerned only with the pay and conditions of its members or should it play a part in management?

66.7% thought that it should also play a part in management.

Q.47 What restriction do you think there should be on the kinds of industrial action a prison officer may take?

45.7% thought that there should be a "no strike" clause; 44.4% thought that there should be no restriction and 8.6% thought that industrial action should be prohibited.

Q.48 What difference to you think that active work in the SPOA makes to an officer's career?

48.1% thought that it helped.

Q.49 Which of the following do you think are the purposes of imprisonment?

63% described deterring the individual for the future as being very important; 61.7% describe general deterrence similarly; 53.1% containing the individual for a set period; 48.1% reforming the individual and 37% punishing the individual.

Q.50 How successful is prison in achieving its purposes?

91.3% considered it to be at least quite successful at containing the individual for a set time; 38.3% thought the same of punishing the individual; 23.5% of general deterrence; 13.6% of individual deterrence and 4.9% at reforming the individual.

Q.51 What changes would you like to see in the way prisoners are treated?

21% felt that discipline should be stricter; 18.5% thought that prisoners should be given more responsibility; 12.3% thought that they deserved better facilities; 11.1% felt that prisoners should have more resources and 3.7% thought that more attention should be paid to a prisoner's offence.

Q.52 What do you think you be the prison officer's attitude to the problem of "care or control" of prisoners?

56.8% felt that these were complementary features of an officer's work; 12.3% felt that there should be more emphasis on control and 2.5% more emphasis on care.

Q.53 What do you think is the main reason that so many offenders return to prison?

38.3% identified lack of determination by the prisoner; 29.6% mentioned lack of subsequent community support and 19.8% suggested a failure on the part of the prison system.

Q.54 What is your view of the length of prison sentences in general?

70.4% thought that they were about the right length; 23.5% too short and 4.9% too long.

Q.55 Name any crimes or offences for which you think people should not be sent to prison?

44.4% said drunkenness; 37% mentioned some form of driving offence and 14.8% civil offences.

Q.56 What personal rights do you think a person should retain while in prison?

25.9% said none; 18.5% as at present; 14.8% mentioned personal privacy and 12.3% the right to external communication.

Q.57 Do you think that prison officers should play a part in the after care of prisoners?

48.1% thought that this should never happen; 35.8% sometimes and 14.8% always.

Q.58 Describe how you think that the Scottish Prison Service is organised?

4.9% mentioned the ultimate responsibility of the Secretary of State; 16% mentioned the responsibility of the Director; 44.4% made some form of critical and on occasion derogatory comment.

Q.59 Do you think that the organisation should be changed in any way?

40.7% mentioned the need for some form of internal change.

#### A.7 Concluding Comments on the Questionnaire Exercise

There have been a limited number of surveys of the attitudes of prison staff undertaken, largely in North America (Duffee, 1974; Brief, 1976; Jacobs, 1978; Willet, 1983). There have also been a significant enough number in England to allow comparison (Morris and Morris, 1963; Emery, 1970 and Jones, 1977). The only work of this nature previously carried out in Scotland was by Dobash (1979) which remains as yet unpublished.

A questionnaire covering, including the pilot scheme, 61% of officers serving in male adult Scottish prisons should have both allowed a comparison with previous similar work and also provided supporting empirical evidence to the arguments advanced in the thesis concerning the organisational development of the Scottish Prison Service and the influence of the staff in certain significant areas. In the event only 8.4% of the main questionnaires were returned. While these provided a useful profile of the 81 members of staff who responded one could not suggest that they were in any way representative of Scottish prison officers as a body. The response was significantly higher from senior grades. There were other responses which led one to suspect that the sample was not representative. 40.7%, for example, had previous experience in the regular armed forces or the police. This is a much higher percentage than I would have expected. However, there was no way of knowing whether the total proportion of prison officers with such experience was higher than I would have thought or whether officers with such experience were more likely to respond to questionnaires.

In general the responses were of such a nature as to make it a matter of regret that it was not possible to place them on computer in order to undertake a complete analysis, both comparatively between responses and also between those from particular establishments as well as those from officers in each grade. Similar surveys carried out elsewhere have not been subject to such high refusal rates although it should be pointed out that many of them were completed in the course of a structured interview. Jacobs undertook his in Illinois in conjunction with staff training courses. Others were carried out in single establishments in which the researchers were operating at the time. The only other Scottish experience was that of Dobash (1979), whose team interviewed 200 prison officers in 8 prisons. He experienced a refusal rate of 5.5%, which he attributed to "a careful and meaningful interview schedule, good interviewing techniques and aggressive efforts to persuade reluctant officers". Interestingly enough, the only other survey reported to have had trouble with a low response rate was that carried out by Jones (1977), which also involved several establishments and did not include personal interviews.

It is difficult to suggest any one definite reason why the response rate should have been so low. As a final irony, a last letter to the General Secretary of the SPOA enquiring if he had received any feed-back from his members which might explain the lack of response went unanswered. There are several possible explanations. The first set relate to my personal position. Although I took care to address all correspondence from my home all potential respondents knew that I was a serving member of the Governor grade and was at the time on secondment to Prison Headquarters. Some staff would have previously worked with me and others might reasonably expect to work under me at some time in the future. Despite my assurances of anonymity and of the personal nature of the research some staff may have feared either that individual responses might be identified or that the Department would have access to the information. As opposed to this, the response to the pilot scheme at Shotts Prison had been 47.6%. This was an establishment where I knew all staff and where staff knew that questionnaires were identifiable. As

regards the questionnaires themselves there were several other possibilities. It was known that some staff had previously expressed concern that they had given considerable assistance to Dobash in his project in the late 1970s and that there had been no published result. Several of the establishments concerned had recently had what they considered to be unfortunate experiences with internal Staff Inspection procedures, part of which involved individual staff completing extensive written returns not dissimilar to questionnaires. This was particularly true of Barlinnie Prison.

My own opinion, having had time to reflect on the matter and to discuss the possibilities with colleagues both at the University and in the service, is that there is no one exclusive reason for the low response rate but rather that it resulted from a combination of the factors listed in the previous paragraph. While the exercise did not completely achieve its intended purpose it was certainly not a wasted effort. Responses from 8.4% of all officers serving in adult male prisons in Scotland are significant in their own right and, while they do not provide statistical proof of the arguments advanced in the thesis, they do provide circumstantial evidence and have been used as such.

APPENDIX B  
STAFF QUESTIONNAIRE AND RESPONSES

B.1 Collated Responses

Total number of responses = 81

All figures given are percentages of this total

Q1	In which prison are you serving?	Barlinnie	:	22.2
		Dungavel	:	3.7
		Edinburgh	:	27.2
		Low Moss	:	14.8
		Peterhead	:	32.1
Q2	How old are you?	22 - 29 years	:	6.2
		30 - 34 "	:	16.1
		35 - 39 "	:	14.8
		40 - 49 "	:	42.1
		50 - 59 "	:	19.8
Q3	How long have you been in the Prison Service?	0 - 4 years	:	8.6
		5 - 9 "	:	24.7
		10 - 14 "	:	18.5
		15 - 19 "	:	21.0
		20 + "	:	27.2
Q4	Which of the following qualifications do you have?	'O' grades	:	16
		Highers	:	7.4
		'A' levels	:	1.2
		Apprenticeship	:	32.1
		Diploma	:	11.1
		Degree	:	1.2
Q5	What was your father's main work?	Professional	:	4.9
		Intermediate	:	2.5
		Skilled	:	39.5
		Semi-skilled	:	30.9
		Un-skilled	:	14.8
Q6	What was your last job before joining the Prison Service?	Intermediate	:	3.7
		Skilled	:	55.6
		Semi-skilled	:	30.9
		Un-skilled	:	8.6
Q7	Have you previously worked in any of the following? (Do <u>not</u> include National Service)	Armed Forces	:	25.9
		Police	:	14.8
		Fire/Ambulance	:	3.7
Q8	What personal qualities do you think helped you to get this job?	Character	:	39.5
		Physical appearance	:	11.1
		Previous experience	:	12.3
		Personal background	:	1.2
		Ability to relate	:	13.6
		Disciplinary experience	:	18.5
			:	



Q9 Which of the following attracted you to the Prison Service?

	Very Important	Important	Not Very Important	Not At All Important
It was the only job available	2.5	6.2	19.8	49.4
Job Security	55.6	35.8	4.9	2.5
Free quarter or rent allowance	11.1	30.9	28.4	19.8
Information from a friend or relative	3.7	24.7	22.2	27.2
Good career prospects	35.8	42	8.6	6.2
A wish to help others	14.8	37	28.4	9.9
Interest in 'law and order'	24.7	34.6	21	7.4

Q10 Have you ever thought seriously of leaving the Service?

YES : 61.7

Q11 If so, what was the main reason?

Nature of work : 21  
 Attitude of Management : 11.1  
 Poor promotion prospects: 9.9  
 Colleagues : 7.4  
 Finance : 2.5

Q12 What do you think are the main features of your work with prisoners?

	Very Important	Important	Not Very Important	Not At All Important
Preventing escapes	80.2	17.3	1.2	1.2
Helping with their problems	24.7	60.5	11.1	2.5
Keeping them under control	61.7	38.3	-	-
Being ready to talk with them	38.3	51.9	7.4	1.2

Q13 In how many establishments have you served?

1 : 28.4  
 2 : 23.5  
 3 : 17.3  
 4 : 17.3  
 5 : 8.6  
 6 : 2.5  
 7 : 2.5

Q14 If you have been promoted, how many years did you spend in each grade?

Officer : 10.8  
 SO : 3.1  
 PO : 9.8

Q15 Where did you undergo your initial training?

Barlinnie : 25.9  
 Bishopbriggs : 16  
 Polmont : 43.2  
 Other : 9.9

Q16 Did the initial training give you proper and sufficient knowledge to carry out your job?

More than enough	Just About enough	Not Quite enough	Definitely not enough
11.1	48.1	16	23.5

Q17 How much training did you get  
in the following areas?

	Too Much	Right Amount	Not Enough	None
Technical matters	1.2	45.7	49.4	2.5
Control of prisoners	-	38.3	54.3	6.2
Human behaviour	-	23.5	53.1	22.2
Theories of crime and punishment	6.2	19.8	45.7	27.2

Q18 Have you had any development  
training at your prison?

YES : 33.3

Q19 Have you attended a development  
course anywhere else?

YES : 88.9

Q20 Has development training improved  
your performance at work?

	Very Much	Quite a Bit	A little	Not At All
	8.6	23.5	32.1	25.9

Q21 Are you keen to do further  
development training?

	Very keen	Quite keen	Not Very keen	Not At All Keen
	46.9	42	6.2	3.7

Q22 What did you think the work  
of a prison officer would be  
like when you first joined

	Very Interesting	Quite Interesting	Not Very Interesting
	34.6	56.8	3.7

Monotonous

2.5

Q23 How would you now describe  
the work of a prison officer?

	Very Interesting	Quite Interesting	Not Very Interesting
	27.2	30.9	25.9

Monotonous

16

Q24 Which of the following  
qualities do you think that a  
prison officer requires?

	Essential	Very Useful	Quite Useful	Not Necessary
A willingness to obey orders	59.3	23.2	14.8	3.7
An ability to use initiative	66.7	25.9	3.7	2.5
Commonsense	90.1	6.2	-	2.5
Sympathy for others	23.5	32.1	37	6.2

Q25	How sympathetic do you think that the public is towards prison officers?	Great Sympathy	Some Sympathy	A little Sympathy	No Sympathy
		1.2	23.5	48.1	27.2
Q26	Do you think that the work of the prison officer has changed since you joined the Service?	Harder	No Change	Easier	
		53.1	23.5	19.8	
Q27	How would you describe your work?	Unskilled	Skilled	Professional	
		13.6	34.6	51.9	
Q28	Which of the following jobs do you think require skills similar to those of a prison officer?	Very Similar	Quite Similar	Not Very Similar	Not At All Similar
	Administrative Civil Servant	3.7	23.5	24.7	39.5
	Policeman	19.8	39.5	14.8	13.6
	Social Worker	13.6	35.8	21	25.9
	Teacher	12.3	27.2	21	33.3
	Soldier	8.6	22.2	24.7	38.3
	Psychologist	19.8	35.8	21	19.8
	Fireman	2.5	8.6	22.2	59.3
Q29	How much opportunity do you have to use your initiative?	All the Time	Quite A Lot	Not Very Much	None At All
		19.8	30.9	45.7	3.7
Q30	Are you interested in promotion?	YES	:	84	
Q31	What rank do you hope to be in which you retire?	Officer	:	11.1	
		SO	:	4.9	
		PO	:	24.7	
		CO	:	44.4	
		Governor	:	7.4	
Q32	Which of the following do you think are important when it comes to promotion?	Very Important	Quite Important	Not Very Important	Not At All Important
	Marking in promotion examination	21	39.5	24.7	9.9
	Annual Report	72.8	21	2.5	1.2
	Performance at Work	87.7	9.9	-	2.5
	Relations with senior staff	39.5	46.9	8.6	3.7
	Performance at promotion Board	40.7	43.2	11.1	2.5
	Previous experience as an officer	56.8	27.2	7.4	6.2
	Willingness to transfer	16	37	25.9	18.5

Q33	What chance do you think you have of being promoted to:	Very Good	Quite Good	Not Very Good	None At All
	Chief Officer I	7.4	21	18.5	50.6
	Governor Grade	1.2	2.5	6.2	77.8
Q34	Do you think that the only avenue of entry to the Service should be as a basic grade officer and that all promotions should be made through the ranks of the officer grades?	YES : 75.3			
Q35	What other member of staff in addition to prison officers are necessary in prisons?	Essential	Quite Useful	Not Very Useful	Not Necessary
	Medical Officer	96.3	3.7	-	-
	Chaplains	33.3	42	19.8	4.9
	Assistant Governors	29.6	46.9	16	6.2
	Psychologists	13.6	44.4	25.9	16
	Teachers	18.5	44.4	19.8	17.3
	Psychiatrists	25.9	43.2	19.8	11.1
	Civilian Instructors	9.9	43.2	16	30.9
	Social Workers	19.8	43.2	13.6	21
Q36	What is the Staff Code of Discipline?	A code of conduct for staff : 45			
		A means of punishing staff : 19.8			
		A method of investigating incidents : 12.3			
Q37	What do you think is the main reason that it exists?	To maintain standards : 27			
		To enforce staff discipline : 44.4			
		To protect staff : 12.3			
Q38	Do you think that it is necessary?	YES : 88.9			
Q39	In which of the following do you stay?				
	A prison quarter	29.6			
	A former prison quarter which you have bought	22.2			
	Your own house	40.7			
	Rented house or lodgings	7.4			

Q40	How many times do you socialise with your colleagues in a month?	0	:	39.5				
		1	:	14.8				
		2	:	7.4				
		3	:	1.2				
		4	:	17.3				
		5	:	8.6				
		6	:	2.5				
		7	:	3.7				
		8+	:	2.5				
Q41	How many times do you socialise with friends outside the service in a month	0	:	4.9				
		1	:	13.6				
		2	:	11.1				
		3	:	3.7				
		4	:	22.2				
		5	:	21				
		6	:	3.7				
		7	:	8.6				
		8+	:	9.9				
Q42	What effect does the fact that you are a prison officer have on your family?	Considerable	:	38.3				
		Some	:	32.1				
		None	:	28.4				
Q43	What would be your reaction if one of your children wanted to become a prison officer	Very Keen		25.9	Not Very Keen		No Reaction	21
Q44	What do you think is the main purpose of the SPOA?	Pay	:	17.3				
		Conditions	:	46.9				
		Welfare	:	11.1				
		Professional Matters	:	4.9				
		Public relations.	:	4.9				
		Other	:	19.8				
Q45	How successful do you think that the SPOA is in the following areas?	Very			Quite		Not Very	Failure
		Pay		2.5	33.3		40.7	21
		Conditions		6.2	43.2		32.1	14.8
		Welfare		7.4	30.9		38.3	21
		Promotion prospects		2.5	23.5		46.9	24.7
		Professional Matters		7.4	37		32.1	21
		Public relations		1.2	27.2		30.9	35.8
Q46	Do you think that the SPOA should be concerned only with the pay and of its members or should it play a part in management?	Only pay and conditions	:	29.6				
		A part in management	:	66.7				

Q47	What restriction do you think there should be on the kinds of industrial action a prison officer may take?	No restriction	: 44.4		
		'No Strike' clause	: 45.7		
		No action allowed	: 8.6		
Q48	What difference do you think that active work in the SPOA makes to an officer's career?	Helps	: 48.1		
		No Effect	: 32.1		
		Hinders	: 12.3		
Q49	Which of the following do you think are the purposes of imprisonment	Very Important	Quite Important	Not Very Important	Not At All Important
	Punish the individual	37	39.5	16	7.4
	Deter the individual for the future	63	25.9	6.2	3.7
	Deter others	61.7	24.7	11.1	2.5
	Contain the individual for a set time	53.1	34.6	6.2	3.7
	Reform the individual	48.1	19.8	14.8	14.8
Q50	How successful is prison in achieving its purposes?	Completely Successful	Quite Successful	Not Very Successful	A Failure
	Punish the individual	9.9	28.4	42	17.3
	Deter the individual for the future	2.5	11.1	54.3	32.1
	Deter others	2.5	21	49.4	27.2
	Contain the individual for a set time	50.6	40.7	6.2	2.5
	Reform the individual	3.7	1.2	43.2	51.9
Q51	What changes would you like to see in the way prisoners are treated?	Stricter discipline			: 21
		Given more responsibility			: 18.5
		Better facilities			: 12.3
		Greater resources			: 11.1
		More attention to offence			: 3.7
		None			: 13.6
Q52	What do you think should be the prison officer's attitude to the problem of "care or control" of prisoners?	They are complementary			: 56.8
		Greater emphasis on control			: 12.3
		Greater emphasis on care			: 2.5
Q53	What do you think is the main reason that so many offenders return to prison?	Failure of prison	: 19.8		
		Individual weakness	: 38.3		
		Lack of community support	: 29.6		
Q54	What is your view of the length of prison sentences in general?	Too long	: 4.9		
		About Right	: 70.4		
		Too short	: 23.5		

Q55 Name any crimes or offences for which you think that people should not be sent to prison?	Drunkenness	: 44.4
	Driving offences	: 37
	Civil offences	: 14.8
	Breach of the Peace	: 4.9
	None	: 6.2
Q56 What personal rights do you think that a person should retain while in prison?	As at present	: 18.5
	Personal privacy	: 14.8
	External communication	: 12.3
	Conjugal	: 2.5
	All	: 2.5
	None	: 25.9
Q57 Do you think that prison officers should play a part in the aftercare of prisoners?	Always	: 14.8
	Sometimes	: 35.8
	Never	: 48.1
Q58 Describe how you think that the Scottish Prison Service is organised?	Under the Secretary of State	: 4.9
	Under the Director	: 16
	A disciplined service	: 1.2
	Critical comment	: 44.4
Q59 Do you think that the organisation should be changed in any way?	Internal Change	: 40.7
	Separate Prison Department	: 3.7
	Other Change	: 19.8
	None	: 8.6

## B.2 Analysis

### Personal Details

Minimum entry age of the prison officer grade is 21 years. A break-down of ages of serving officers is not available but it could safely be stated that my respondents, almost 62% of whom were 40 years or older, were not representative in this respect. This is also true as regards length of service, with over 48% of my sample having completed 15 or more years. One can only speculate as to whether older, more senior officers felt more confident in replying, were more likely to respond out of a sense of duty or were more likely to know me as an individual and, on the other hand, whether the obverse was true of younger, junior staff.

In view of the traditional reluctance of management to impose educational standards on recruits there was a relatively high level of prior qualification.

I had not expected to find such a high percentage with previous experience of the armed forces or the police. A computer analysis would have discovered whether this was spread evenly across all groupings or concentrated, for example, in the older staff.

A high percentage attributed their initial acceptance into the service to some undefined trait of "character".

The feature which originally attracted most respondents to the service was job security. Given the seniority of respondents, the high percentage who had thought of leaving the service was surprising. The most frequently given reason was dissatisfaction with the nature of the work.

#### Service History

As far as job description was concerned, all respondents regarded the control of prisoners as an important element of their work. Containment was listed by 97.5%. This was to be expected but it was significant that over 90% regarded talking to prisoners as important and over 85% referred to helping prisoners with their problems. This supports my contention that officers have no difficulty in reconciling the 'control' and the 'care' elements of their work. I argue in the thesis that this is because they regard the former as their primary aim, the latter as a secondary and complementary aim.

The length of time served before promotion indicates that seniority remains an important factor in determining promotion.

A high percentage were dissatisfied with the content of initial training. It was significant that over 50% felt that they had not been sufficiently trained in security and control matters. Over 80% were keen to do further training.

#### Attitude to Work

Responses indicated that the initial expectations which respondents had as to how interesting their work would be were not fulfilled.

Common sense was the quality considered to be most necessary for a prison officer. Two-thirds of respondents thought that initiative was an essential quality but only half thought that they were given the opportunity to use their initiative.

Over half thought that their work was becoming more difficult while three quarters felt that they had little or no sympathy from the public.

60% felt that their skills were similar to those required of a police officer. This supports the traditional stance of a close relationship between these two 'law and order' occupations. The second and third choices were interesting with over half seeing similarity with psychologists and just under half with social workers. This is consistent with the percentages which regarded talking to prisoners and helping them as important elements of their work. Only 26% regarded their work as being similar to that of an administrative civil servant. In the thesis I have described the efforts of management to confirm the location of the prison service within the civil service.

#### Conditions of Service

84% were interested in promotion, the majority aiming for the Principal or Chief Officer grade. Only a small percentage had hope of promotion to the governor grade.

Three-quarters of respondents were of the opinion that the only avenue of entry for staff should be as a basic grade officer. With the exception of medical officers, who were given a high rating, no other group of staff was regarded as essential by more than one-third of the respondents.



Almost 90% regarded the staff Code of Discipline as essential. This high figure may be explained by the seniority of the respondents, many of whom would be responsible for enforcing the Code. Less than 30% of staff stayed in prison quarters. This figure is likely to decrease as time goes on and the service-wide figure is probably lower than that already.

A significantly higher proportion socialised more often with friends outside the service than with colleagues. Indeed, almost 40% never socialised with colleagues. Manual collation did not explain how these figures related to those staff who stayed in prison quarters and those who did not. These returns did not justify any assertion that staff were isolated or inward-looking.

The next two questions related to the perceived status of the prison officer. Over 70% reported that their occupation had some effect on their family and over 60% would not encourage a child to join the service.

#### SPOA

Only 17% related the main purpose of the SPOA to pay matters while over three times as many emphasised the improvement of conditions of service.

Over two-thirds of respondents thought that the SPOA should play a part in the management of the service. I have demonstrated in the thesis that this is in fact the case.

I described in the thesis how officers struggled in the 1920s and 1930s to establish a free trade union in the service yet well over half of my respondents expressed the view that there should be some form of restriction on industrial action in the service. This form of response may have reflected the seniority of the respondents. Almost half thought that being a union activist helped one's career. I suggested in the thesis that it was likely that motivated officers with a commitment to the service would become active in the union.

#### The Prison System

By far the greatest percentage thought that prison was most successful at containing the individual for a set time. This supports my contention that prison officers are aware that the primary purpose of imprisonment is to deprive the individual prisoner of his liberty for the period determined by the court. The majority felt that 'care and control' were complementary features of the prison officer's work.

#### Crime

70% thought that prison sentences were about the right length.

Almost half thought that officers should never be involved in aftercare.

44% made critical comment on the organisation of the service.

#### B.3 Concluding Comments

The responses served to confirm the general thrust of the thesis. Staff were generally sure of their primary role which is the secure containment of prisoners but saw no clash with the important secondary aims of listening to and helping prisoners. This latter form of expression came close to that of "facilitated change" with little emphasis on "coerced cure".

This further supported my view that prison staff are at the same time realistic and positive about the scope of their work.

Staff saw a close similarity between their work and that of the police, just as I have argued they have always done. At the same time they did not recognise close ties with administrative civil servants. They saw themselves as a criminal justice rather than a civil service occupation. However, there were reservations about how society perceived their status. This was despite the fact that officers mixed more freely in a wider society than with their colleagues.

Only half of the respondents placed themselves in the professional class and a significant proportion were unhappy with the training which they had been given, including that relating to their primary function. I concluded in the thesis that prison staff could not be regarded as professional and that one reason for this was the nature of the training which was required.

A significant percentage of respondents expressed dissatisfaction with the present organisation of the service and an even higher percentage were of the opinion that the SPOA should play a part in the management of the service. I have argued in the thesis that the reactive style of management practised in the service has encouraged the SPOA to play a participative role in management.

Had the response rate been of a statistically acceptable level the findings could have been used in a more traditionally scientific manner to confirm many of the arguments in the thesis. Nonetheless, in numerical terms the quantity of response was significant enough to justify its use as circumstantial evidence and it was satisfying to discover the support which it provided for the arguments advanced in the thesis.

## STATUTES

1487 c.101	Of the Keiping of arreisted Trespassoures
1597 c.277	Prison Houses suld be bigged within all Burrowes
1823 c.64	Gaol Act 1823
1829 c.54	Act authorising investigation into conditions in Scottish Prisons
1835 c.38	Prisons Act 1835
1839 c.42	An Act to Improve Prisons and Prison Discipline in Scotland
1842 c.67	General Prison at Perth Act 1842
1844 c.34	An Act to Amend the Law with Respect to Prisons and Prison Discipline in Scotland
1851 c.27	An Act to Amend Certain Acts for the Improvement of Prisons and Prison Discipline in Scotland
1852 c.99	Penal Servitude Act 1852
1857 c.71	Lunacy (Scotland) Act 1857
1860 c.105	The Prisons (Scotland) Administration Act 1860
1866 c.49	Peterhead Harbour of Refuge Act 1866
1877 c.21	Prisons Act 1877
1887 c.35	The Criminal Procedure (Scotland) Act 1887
1891 c.69	The Penal Servitude Act 1891
1898 c.41	Prison Act 1898
1907 c.17	The Probation of Offenders Act 1907
1908 c.59	Prevention of Crime Act 1908
1909 c.2	The Prisons (Scotland) Act 1909
1914 c.58	The Criminal Justice Act 1914
1921 c.50	The Criminal Procedure (Scotland) Act 1921
1928 c.34	Reorganisation of Offices (Scotland) Act 1928
1931 c.30	The Probation of Offenders (Scotland) Act 1931
1935 c.32	The Criminal Lunatics (Scotland) Act 1935

1938 c.48	The Criminal Procedure (Scotland) Act 1938
1939 c.20	Reorganisation of Offices (Scotland) Act 1939
1948 c.58	The Criminal Justice Act 1948
1949 c.94	Criminal Justice (Scotland) Act 1949
1952 c.52	The Prisons Act 1952
1952 c.61	The Prisons (Scotland) Act 1952
1960 c.23	The First Offenders (Scotland) Act 1960
1962 c.15	The Criminal Justice Administration Act 1962
1963 c.39	The Criminal Justice (Scotland) Act 1963
1965 c.39	The Criminal Procedure (Scotland) Act 1965
1965 c.71	The Murder (Abolition of Death Penalty) Act 1965
1966 c.19	The Law Reform (Miscellaneous Provisions) (Scotland) Act 1966
1967 c.80	The Criminal Justice Act 1967
1973 c.65	The Local Government (Scotland) Act 1973
1975 c.21	Criminal Procedure (Scotland) Act 1975
1980 c.62	The Criminal Justice (Scotland) Act 1980
1985 c.73	Law Reform (Miscellaneous Provisions) (Scotland) Act 1985

## OFFICIAL REPORTS AND PAPERS

(All relevant Reports are listed in this section in chronological order. Those which are more commonly known by the name of their chairmen (for example, Mountbatten Report) are also listed alphabetically in the Bibliography.)

Report of the Select Committee of the House of Commons on Scottish Prisons (1826), HMSO, London

Report of the Departmental Committee on Prison Officers' Salaries (1879), HMSO, London

Report of a Sub-Committee Appointed to Investigate the Question of the Most Suitable Place for a Harbour of Refuge on the East Coast of Scotland (1884), HMSO, London, Cmnd 4035

Report of the Committee Appointed by the Secretary for Scotland to Consider Some Questions Which Had Been Raised by the Subordinate Staff Regarding Pay, Hours of Duty, etc (1891), SRO HH57/44 and 188

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## ACKNOWLEDGEMENTS

I have lived with this thesis for many years and I have many people to thank for helping me to bring it to fruition. Several friends and colleagues, both in the prison service and in the university, have shared their thoughts with me and helped me mature my own in the course of hours of discussion.

I am particularly grateful to Professor Derick McClintock who has supervised my work for the last five years in a patient and supportive manner and to Mrs Mary McIsaac who gave a great deal of cheerful advice when I was drawing up the questionnaire.

To Joyce and the children I owe more than I can say.